

PLANNING PROPOSAL

Proposed Rezoning from
R5 Large Lot Residential to
R1 General Residential and RE1 Public Recreation
92 and 168 Euchareena Road, Molong
Golf Course Heights Estate



Prepared for
Wakefield Ashurst Developments
November 2024
(amended February 2026 following Gateway Determination)

Ref: PP2a - PJB21106

TABLE OF CONTENTS

THE PLANNING PROPOSAL.....	3
1.1 SUMMARY TABLE.....	3
1.2 PLANNING PROPOSAL STRUCTURE.....	4
1.3 INTRODUCTION.....	5
1.4 THE SUBJECT LAND	6
1.5 CURRENT LEP PROVISIONS	12
1.6 CONCEPT.....	15
PART 1 - OBJECTIVES OR INTENDED OUTCOMES	21
PART 2 – EXPLANATION OF PROVISIONS.....	22
PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT.....	24
SECTION A – NEED FOR THE PLANNING PROPOSAL.....	24
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	31
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	58
SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)	91
SECTION E – STATE AND COMMONWEALTH INTERESTS	92
PART 4 – MAPS	93
PART 5 – COMMUNITY CONSULTATION	95
PART 6 – PROJECT TIMELINE	97
PART 7 – CONCLUSION	98
 Annexure A	
Land Plans	
 Annexure B	
Draft LEP Maps	
 Annexure C	
Development Concept	
 Annexure D	
Traffic Assessment by ARC Traffic + Transport	
 Annexure E	
Biodiversity Assessment Report by Cumberland Ecology	
 Annexure F	
Aboriginal Cultural Heritage Assessment by OzArk	
 Annexure G	
Preliminary Contamination Investigations by Envirowest Consulting	
 Annexure H	
Strategic Bushfire Study by Building Code and Bushfire Hazard Solutions	
 Annexure I	
Preliminary Servicing Strategy Heath Consulting Engineers	

Annexure J

Social Impact Assessment by Cred Consulting

Annexure K

Odour Assessment by SoundIN

Annexure L

Noise Assessment by SoundIN

Annexure M

Draft Development Control Plan

THE PLANNING PROPOSAL

1.1 SUMMARY TABLE

Planning Proposal 92 and 168 Euchareena Road, Molong	
Site Address	168 Euchareena Road, Molong being Lots 11 and 12 DP 546140 92 Euchareena Road, Molong being Lot A DP 961931
Land Owner	Wakefield Ashurst Developments Pty Ltd
Existing Planning Controls	Local Environmental Plan: Cabonne LEP 2012 Land Zoning: R5 Large Lot Residential Minimum Lot Size: 4,000m ² Groundwater Vulnerable Biodiversity Sensitivity
Proposed LEP amendment	It is proposed to rezone the subject land from R5 Large Lot Residential to R1 General Residential and RE1 Public Recreation to enable future subdivision and residential development. The rezoning of the site will also amend the minimum lot size of the land to 4,000m ² , 1,250m ² , 1,000m ² , and 600m ² . Add Urban Release Area (URA) mapping and clause provisions.
Supporting Documentation	Annexure A: Land Plans Annexure B: Draft LEP Maps Annexure C: Development Concept Annexure D: Traffic Assessment

Planning Proposal 92 and 168 Euchareena Road, Molong		
	Annexure E:	Biodiversity Assessment Report
	Annexure F:	Aboriginal Cultural Heritage Assessment
	Annexure G:	Preliminary Contamination Investigation
	Annexure H:	Strategic Bushfire Study
	Annexure I:	Preliminary Servicing Strategy
	Annexure J:	Social Impact Assessment
	Annexure K:	Odour Assessment
	Annexure L:	Noise Assessment
	Annexure M:	Draft Development Control Plan

1.2 PLANNING PROPOSAL STRUCTURE

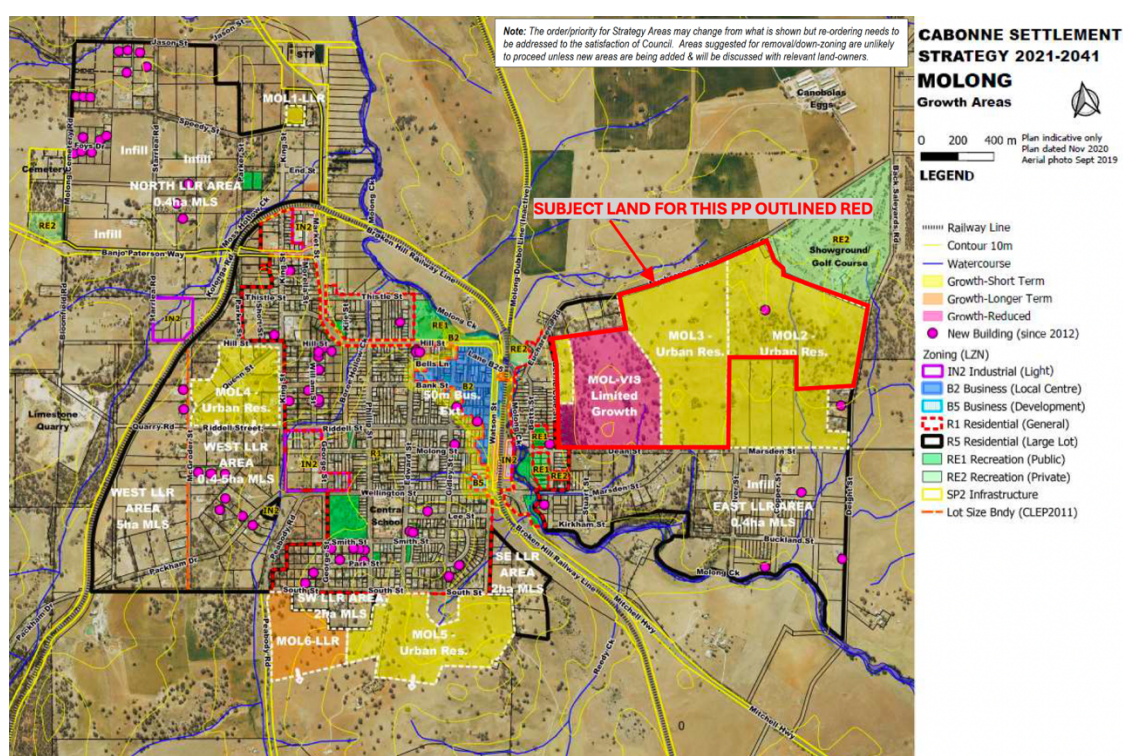
The PP structure is outlined in the table below.

The Planning Proposal	This part of the report provides an overview of the proposed rezoning; describes the subject land; outlines the existing LEP provisions; and explains the vision/concept.
Part 1	Provides a statement of the objectives and intended outcomes of the proposed rezoning.
Part 2	Provides an explanation of the provisions to be included in Cabonne LEP 2012 to enable the proposed rezoning.
Part 3	Provides justification for the proposed rezoning, having regard to strategic and site specific merit; and the potential environmental, economic, and social impacts.
Part 4	Depicts the existing and proposed LEP mapping.
Part 5	Details how consultation is to be undertaken.
Part 6	Details the projected timeline for the PP

1.3 INTRODUCTION

This Planning Proposal describes a proposed amendment to the Cabonne Local Environmental Plan 2012 (the LEP). This Planning Proposal seeks to:

- Rezone the subject land from R5 Large Lot Residential to R1 General Residential and RE1 Public Recreation; and
- Enable future subdivision and residential development based on minimum lot sizes of 600m², 1,000m², 1,250m² and 4,000m².



The subject land is Lots 11 and 12 DP 546140 (168 Euchareena Road, Molong) and Lot A DP 961931 (92 Euchareena Road, Molong). The land is identified in *Cabonne Settlement Strategy 2021-2041* as Strategy Growth Areas MOL2, MOL3 and MOL-VIS.

The *Cabonne Settlement Strategy 2021-2041* (CSS) was prepared in 2021 to provide a strategic framework for future residential development within the Cabonne LGA for the next 20 years. The supply/demand analysis within the CSS recognises that there is insufficient supply of urban residential land within Molong over the next 20 years and that more urban residential land is needed to increase supply. The CSS identified the subject land as being suitable for urban residential zoning.

A preliminary concept plan has been prepared with the intent that it will inform the overall masterplan for future development of the subject land. Based on the preliminary

investigations undertaken to support this Planning Proposal and subject to detailed design, the proposed rezoning would facilitate the creation of approximately 635 residential allotments that will range in size from 600m² to 10,000m².

This PP has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and *Local Environmental Plan Making Guideline* (DPIE 2021).

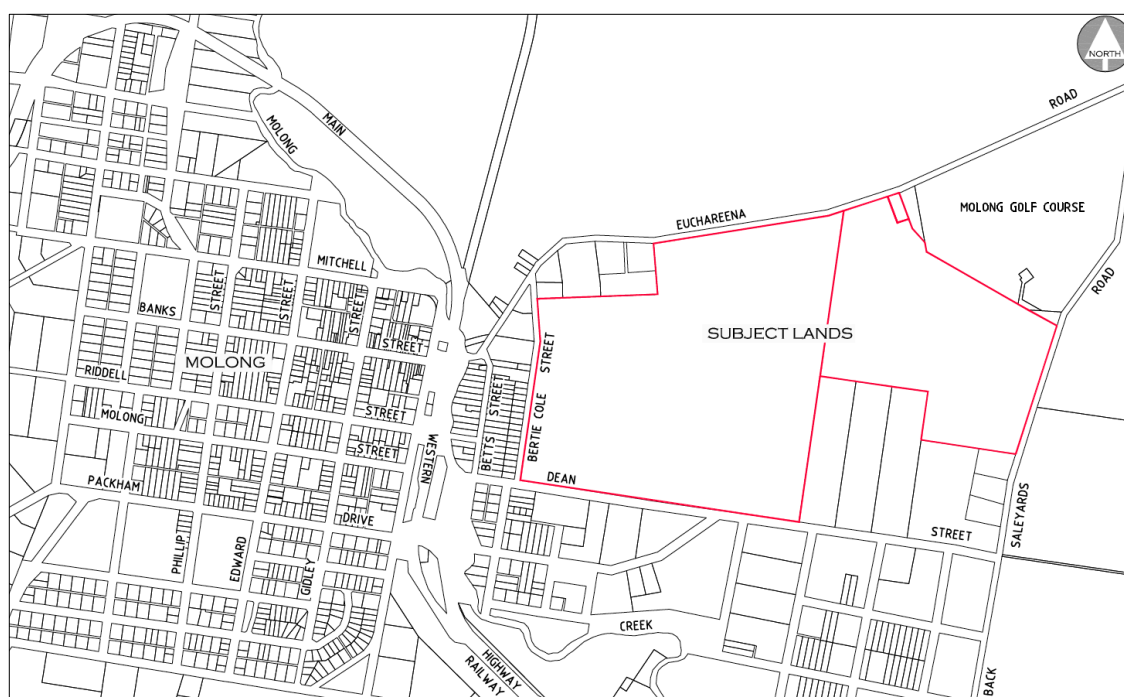
A Gateway determination pursuant to Section 3.34 of the Act is requested. The Gateway determination will confirm the information (which may include further studies) and consultation required before the LEP can be finalised.

This PP is generally consistent with the existing strategic planning framework. As such, it is appropriately categorised as a ‘Standard’ Planning Proposal under the *Department of Planning and Environment Local Environmental Plan Making Guideline* (2021).

1.4 THE SUBJECT LAND

Location

The subject land is located approximately 400 metres east of the Molong town centre. The land is bounded by Euchareena Road to the north; the Molong Golf Course to the north east; Back Saleyards Road to the east; Marsden Street to the south; and Bertie Cole Street to the west (refer Figure 1 and below).



General Site Description

The subject land comprises a total area of approximately 118.47 hectares and is held in three lots as follows:

- Lot 11 and 12 DP 546140 (being 168 Euchareena Road, Molong); and
- Lot A DP 961931 (being 92 Euchareena Road, Molong).

Historically, the land has been used for grazing with remnant woodlands interspersed throughout the site. Other features within the subject land include an existing dwelling house; watercourses; dams; and farm related infrastructure such as fencing and sheds.

Vegetation, Topography and Drainage

The subject land property has been predominantly cleared for grazing with remnant trees being widely scattered or limited to the south western section of the land where they form small woodland communities. The tree cover on the subject land is characteristic of other rural properties that have been extensively cleared in the area.

As identified by the Biodiversity Assessment Report (refer *Annexure E*), the vegetation formation within the subject land consists of *PCT 266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion*.

The fall of the land is generally from north to south. The general slope in the northern and central extent of the subject land are generally flat and level. The general slopes in the southern and eastern extent are gently undulating to undulating with slopes ranging across the site between 5 to 10%. The western boundary (adjacent to Bertie Cole Street) comprises the steepest terrain of the site with the land falling at a 21% grade to the west.

Drainage of the site is via the natural surface and a non-perennial watercourse that flows into Molong Creek approximately 1 kilometre to the south of the subject land. Concentrations of water are likely to occur within the drainage depressions however, the land and the proposed lots are not known to be affected by flooding.

Farm dams have been strategically positioned over the subject land for stock watering purposes.

Natural Hazards

The subject land is not identified as flood prone land.

Due to the areas of grassland and remnant woodland in and around the site, the subject land is identified as bushfire prone land on Council's bushfire mapping.

Land Use

The subject land has a long history of livestock grazing. Paddocks, small dams, water tanks, yards and sheds have been established to support this land use, along with the owner's residence within Lot 11 DP 546140.

Development History

Part of the subject land (Lot 11 and Lot 12 DP 546140) is subject to a previous development consent which has physically commenced for the purpose of Section 4.53(7) of the Environmental Planning and Assessment Act 1979 and Section 96 of the Environmental Planning and Assessment Regulation 2021.

Pursuant to DA2006/251, Council granted development consent for a 73 Large Lot Residential subdivision upon the subject land. The approved development permitted 73 lots which ranged in size between 4,000m² and 9,000m².

Roads and Access

Access to the subject land is provided via Euchareena Road which forms the northern boundary. Euchareena Road is an unclassified bitumen sealed road that provides one traffic lane in each direction. Along this section of Euchareena Road, the posted speed limit is 100 km/h.

The eastern boundary of the subject land also has frontage to Back Saleyards Road which is an unsealed roadway that intersects with Marsden Street further to the south. Back Saleyards Road has a variable carriageway width of approximately 6 metres and provides one lane in each direction.

Services

In terms of servicing:

- There is no town water reticulation that services the land. Domestic water supply is provided via rainwater collection tanks.
- There is no formal stormwater drainage system that services the land. Stormwater from the site is either captured on site for water supply purposes, or returned to the rural catchment via natural channels, roadside drainage lines and culverts.

- Wastewater disposal for the dwelling is conducted via on-site means utilising a septic tank and absorption trenches.
- Electricity and telecommunications are connected to the existing dwelling.

Surrounding Development

With reference to the figure below, the surrounding development pattern comprises:

- The Molong Golf Course to the north east.
- Land to the north on the opposite side of Euchareena Road comprises cleared grazing land. A poultry farm is located some 700 metres further north.
- The land to the south comprises developed R5 Large Lot Residential land and includes dwelling houses; their support areas, and ancillary improvements.
- The Molong township to the west and south west.



Constraints and Opportunities

The constraints and opportunities of the site are summarised as follows:

- The subject land is identified as a growth area for future urban residential development in the Cabonne Settlement Strategy 2021-2041.

- The PP would increase the variety of housing types in the LGA as encouraged by the Cabonne Local Environmental Plan 2012. More specifically, it will increase the urban residential land supply at Molong, noting that the existing supply is relatively constrained as outlined in Section 1.6.1 of the Cabonne Settlement Strategy – Molong Settlement Options Paper.
- The topography does not unreasonably constrain the proposal. The gradual terrain over the majority of the site provides for residential development opportunities on a range of urban residential lot sizes. Larger lot sizes and a lighter settlement pattern are proposed across the steeper terrain in the western section of the site (noting that this area is already zoned R5 Large Lot Residential with a MLS of 4,000m²).
- The steeper ridge in the western section of the subject land is recognised as an important visual backdrop to the Molong township. In recognition of this:
 - A lighter settlement pattern is proposed in this section of the site.
 - A positive covenant is proposed to prevent the removal of remnant woodland in this section of the site (as recommended in the biodiversity assessment).
- The traffic assessment (refer *Annexure D*) demonstrates that there are no traffic issues that would prevent support for the proposal.
- The biodiversity assessment (refer *Annexure E*) demonstrates that the site and future development is not unreasonably constrained in terms of biodiversity values. In general:
 - The conceptual subdivision layout has sought to retain vegetation and habitat considered to have the highest biodiversity value with consideration of their listing status under the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as well as presence of potential habitat for threatened species.
 - The proposed clearing of native vegetation will be subject to further assessment at the DA stage, but it is expected to result in the requirement of offsets in the form of ecosystem credits and species credits.
 - The areas within the site that are subject to ecosystem credits have been identified for the strategic purpose of this Planning Proposal. Calculations for flora and fauna species credits will need be conducted at the DA stage to determine the offset liability of the project.

- The biodiversity assessment found that with the implementation of the proposed mitigation and compensation measures, it is considered likely that the impacts of the PP on flora and fauna species or threatened ecological communities can be appropriately managed.
- The (ACHAR) Aboriginal Cultural Heritage Assessment Report (refer *Annexure F*) demonstrates that the site and future development is not constrained in this regard. The ACHAR predicts a relatively low/unlikely probability that the landforms within the subject land would contain Aboriginal objects.
- The contamination assessments (refer *Annexure G*) demonstrate that the site is not constrained in terms of soil contamination as a result of previous land uses.
- The strategic bushfire study (refer *Annexure H*) demonstrates that the site and future development is not unreasonably constrained in this regard. The study recommends minimum APZs from identified woodland hazards and grasslands hazards. According to the study, the subject site and proposed Concept Lot Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2019.
- The preliminary servicing strategy prepared by Heath Consulting Engineers (refer *Annexure I*), provides a high level assessment to indicate that future development can be adequately serviced in terms of water, sewer, stormwater, telecommunications and electricity.
- As part of the pre-lodgement process Council commissioned a Land Use Conflict Risk Assessment (LUCRA) which, among other matters, identified potential land use conflict between the proposal and rural activities associated with the existing poultry farm to the north of the subject land. In response:
 - Impacts in regard to aerial spraying can be addressed by appropriate distance and vegetation buffers (as shown in Figures 6 and 7).
 - The potential for nuisance odours from the poultry farm have been assessed in an Odour Assessment (refer *Annexure K*).

In short, these rural interface issues can be addressed.

1.5 CURRENT LEP PROVISIONS

The relevant provisions of Cabonne LEP 2012 are outlined below.

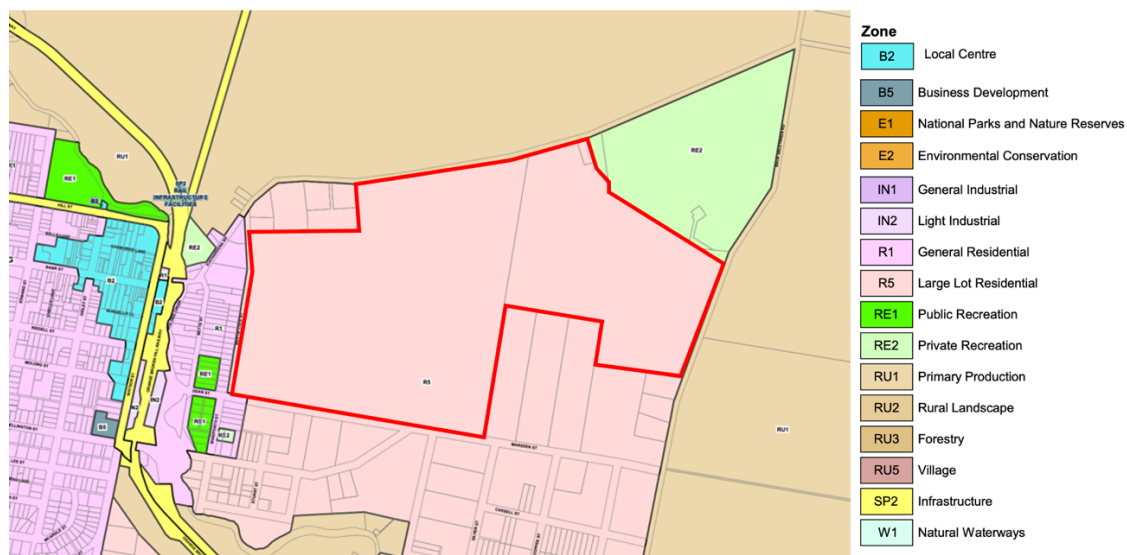
LEP Mapping

The subject land is identified on LEP map sheets numbered 004A. A summary of LEP mapping matters is provided in the Table below.

LEP Matter	Comment
Land Zoning Map	Zoned R5 Large Lot Residential
Lot Size Map	MLS 4000m ²
Heritage Map	Not within a Conservation Area. Two local heritage items in vicinity of subject land.
Natural Resource - Karst Map	No karst identified within subject land
Terrestrial Biodiversity Map	Biodiversity identified within subject land
Drinking Water Catchment Map	Not located in a drinking water catchment
Riparian Lands and Watercourses Map	Not identified as containing riparian lands or watercourses
Groundwater Vulnerability Map	Groundwater vulnerable land
Flood Planning Map	Not within a flood planning area

Zoning

The subject land is zoned R5 Large Lot Residential (refer LEP map extract below – subject land outlined in red).



Objectives of zone (R5 Large Lot Residential)

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings;

Flood mitigation works; Home businesses; Home industries; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Water storage facilities

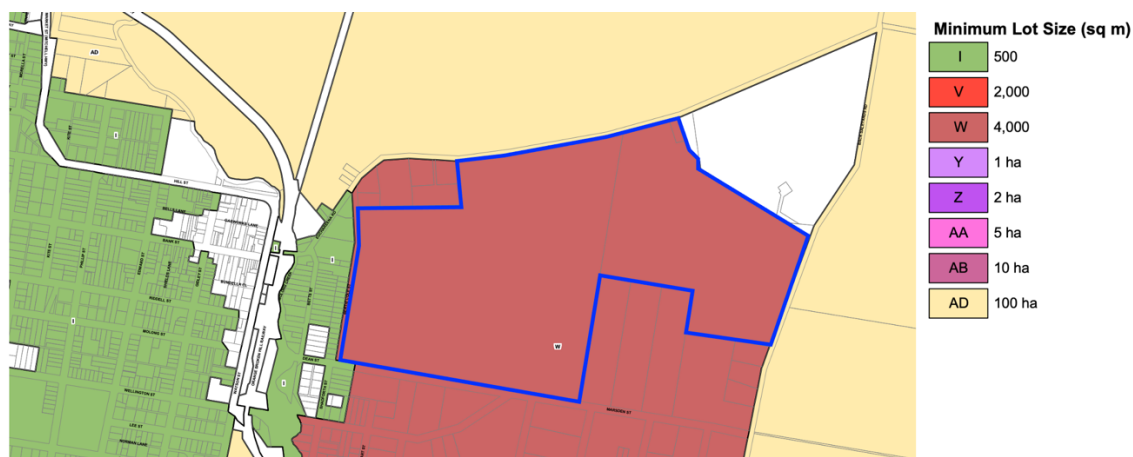
Prohibited

Any development not specified in item 2 or 3

This Planning Proposal affects the current zone. The intention is to retain the R5 Large Lot Residential Zone in the steeper western section of the site; and rezone the remainder to R1 General Residential and RE1 Public Recreation.

Minimum Lot Size

A minimum lot size of 4,000m² applies to the subject land (see extract below).



This Planning Proposal affects the MLS. For the land that is proposed to be rezoned to R1 General Residential, the intention is to change the MLS to 600m², 1,000m² and 1,250m². The area that remains R5 Large Lot Residential will retain a MLS of 4,000m².

Terrestrial Biodiversity

According to the *Terrestrial Biodiversity Map*, there are areas of biodiversity identified within the subject land (see extract below). A Biodiversity Assessment Report has been prepared and is included as *Annexure E*.



Groundwater Vulnerability

According to the *Watercourse and Groundwater Vulnerability Map*, the subject land is defined as having groundwater vulnerability.



1.6 CONCEPT

Overview

This Planning Proposal seeks to amend Cabonne Local Environmental Plan 2012 as follows:

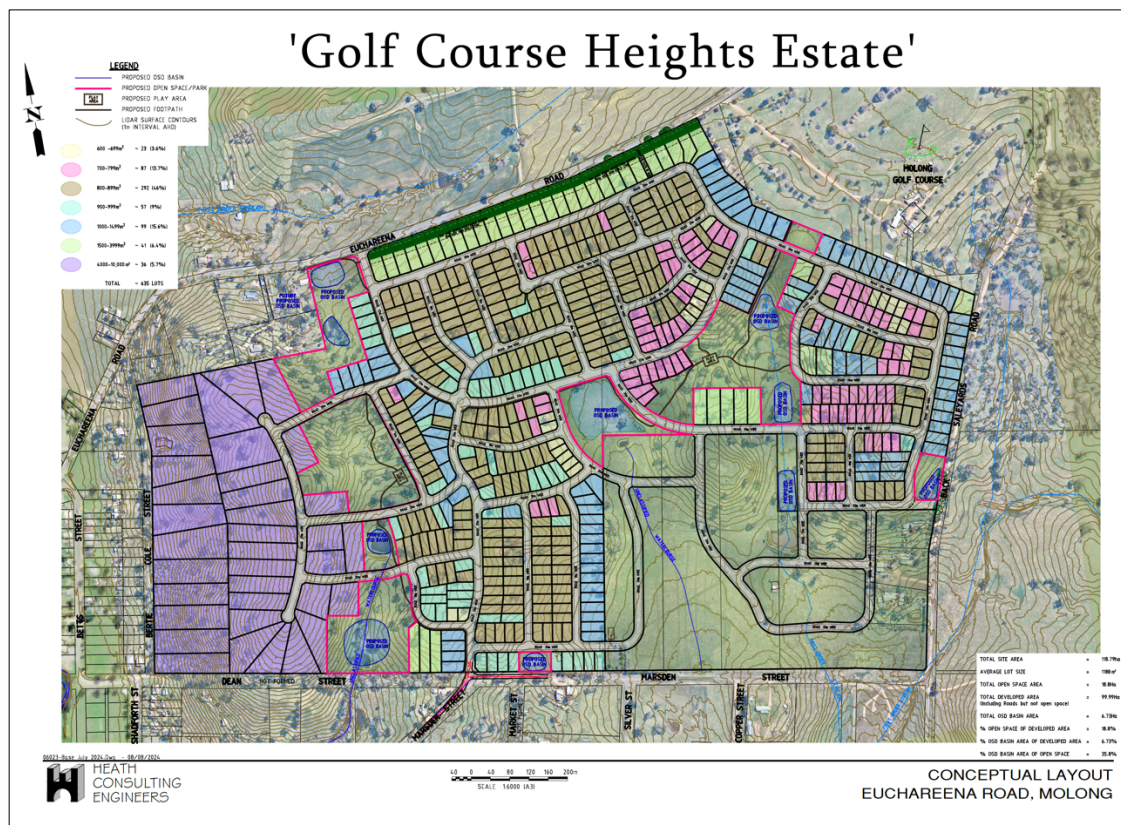
- Rezone the subject land from R5 Large Lot Residential to R1 General Residential and RE1 Public Recreation; and
- Enable future subdivision and residential development based on minimum lot sizes of 600m², 1,000m², 1,250m² and 4,000m².

A conceptual subdivision plan has been prepared which depicts how these changes might be applied to a future subdivision (refer extract over the page). The development concept development would consist of the following:

- The creation of approximately 635 urban residential lots that will range generally from 600m² to 10,000m² which will enable a variety of housing types and densities.
- New roads, pedestrian infrastructure and playing fields.
- Centralised parkland with embellishments (including playground).
- The provision of reticulated water and sewer, as well as an urban stormwater management system.

- Provision of electricity and telecommunications services in accordance with the requirements of the relevant supply authority.
- Provision of asset protection zones and access driveways/roads in accordance with the provisions of the NSW Rural Fire Service Planning for Bushfire Protection 2019.

The concept is depicted below (and included in *Annexure C*).



The subdivision would be released in stages in response to market demand with the lots closest to Euchareena Road released initially. It is expected that the potential lot yield of the site would be sufficient to address the shortfall in urban residential land as identified in the CSS.

The conceptual subdivision plan is indicative only for the high-level purpose of a Planning Proposal. It serves as a point-of-reference to assess the relevant planning issues around the proposal.

Any future large residential subdivision will be subject to a development application and assessment under the approvals process. The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.

Roads

Access to the local road network is proposed from all adjacent roads consisting of 1 access to Euchareena Road, 1 access to Back Saleyards Road, and 1 access to Marsden Street.

The internal road network would provide a number of collector roads (providing access to the key intersections mentioned above) and then the local roads. The new roads will be constructed in accordance with Council's normal requirements for urban residential development.

Servicing

A preliminary servicing strategy has been prepared by Heath Consulting Engineers (refer *Annexure I*). The purpose of the preliminary servicing strategy is to provide a high-level assessment of the likely water, sewerage, stormwater, electrical and telecommunications servicing.

It is important to note that this document does not include detailed designs for the servicing infrastructure, as such specifics are beyond the scope of the planning proposal. Detailed infrastructure designs will be addressed during the Development Application or Subdivision Works Certificate Application phase.

Sewer

The subject land is not currently serviced by sewerage reticulation. Notwithstanding, the proposal can be adequately serviced in terms of sewer.

The servicing strategy prepared by Heath Consulting Engineers offers the following comments in regard to sewerage servicing:

- *The subject land is not currently serviced by sewerage reticulation.*
- *It is understood that the sewer treatment plant on the northern boundary of the Molong Township has a capacity of approximately 2000 Equivalent Persons (EP). No information has been made available as to the existing capacity of the existing reticulation network or sewage pump station.*
- *The CSS 2021 suggests that the existing "STP can be progressively upgraded to accommodate growth".*

- *In the absence of modelling and sewer strategy of the Molong Town Sewerage System, the preliminary design criteria is based upon Water Services Association of Australia (WSAA) Sewage Code of Australia flow estimations. A total of 635 ETs were used in the calculations for the future development.*
- *The undulating topography of the site creates up to eight (8) likely catchments for sewerage servicing. These catchments are shown in Figure 3.2. Subject to details being provided of Cabonne Council's existing reticulation network, it is envisaged that Catchment S1 and S2 can be serviced by an extension of Council's gravity sewer network. Catchments S3 to S8 will either require individual sewage pump stations or require sewage pump stations to be provided further downstream where site catchment combine.*
- *It is understood that Premise have been engaged by Council to investigate the overall sewerage servicing for Molong and the subject land.*

Water

With reference to the servicing strategy prepared by Heath Consulting Engineers, the provision of a reticulated water supply for the proposal does not appear to be unreasonably constrained. The report did not indicate any major limitations in regard to water supply. The water servicing situation is summarised below:

- *The subject land is not currently serviced by a reticulated potable water supply. A non-potable (raw water) supply was constructed to serve Lot 11 DP 546140 to service the approved 1 acre development (DA 2006/251).*
- *The future development of the site would ultimately create approximately 635 lots. For this report the demands on the water supply system were calculated using Equivalent Tenements (ETs). The number of ETs for the subject land was calculated based upon 1 ET per lot. This number was applied against the key design criteria to determine the potable water demands.*
- *These water demands do not make allowance for the use of rainwater tanks to satisfy BASIX and as such may be reduced by up to 40%, as the water saving target under BASIX.*
- *The final connection point for the potable supply for the proposed development will be subject to reticulation modelling and more information being provided by Council once they have completed their additional studies. However, it is envisaged that an extension and augmentation of the water main in Euchareena Road will be required.*

- *A conceptual water main layout is shown in Figure 2.2 and would consist of 100mm and 150mm diameter water mains. This reticulation would be subject to detailed design and modelling once details of Council's systems are known.*
- *At this stage no allowance to utilise a non-potable water supply has been allowed even though the service currently exists. It is envisaged that the raw water may be required in order to provide the potable supply. Part of the existing non-potable reticulation main may be used to provide a secondary connection to the development via Dean Street.*

Stormwater

The subject land is entirely within the Macquarie-Bogan River Catchment. Watercourses include Molong Creek to the east. There is a prescribed stream (Class 1) that runs through the eastern part of the site in a north to south direction. A series of small dams are scattered throughout the site.

The servicing strategy prepared by Heath Consulting Engineers concludes that stormwater runoff from the site would be managed as follows:

- *A pit and pipe stormwater reticulation system would be designed to safely convey the 10% AEP event. This is to limit the runoff into adjacent block in the development. Major overland flow paths are to be directed along roadways and drainage reserves (natural channels) and into stormwater detention basins.*
- *The conceptual stormwater management plan includes a series of constructed stormwater detention basins to limit discharge and control runoff to predevelopment rates.*
- *Stormwater detention basins were provided in eight (8) locations to suit the site topography and stormwater outlet locations.*

Electricity and Telecommunications

Due to the existing level of development and proximity to the established urban area, electricity and communications can be provided to the subject land, pursuant to the requirements of the relevant supply authorities. In this regard, the Preliminary Servicing Strategy by Heath Consulting Engineers provides as follows:

- *The NBN were contacted with regard to the provision of telecommunications service for the development. They advised that the future development could be serviced by a fibre connection.*

- *The extent of any requirements would not be determined until such time as the development progresses through the various planning stages.*
- *Essential Energy were contacted with regard to the provision of an electrical service for the development.*
- *They have advised that the future development is located close to the Molong Zone Substation and “the distribution network in the vicinity is quite strong and there are potential 11kv supply options from both Euchareena Road and Back Saleyards.*
- *As the development is likely to occur over many years, the network capacity will likely change and would need to be reassessed as each stage is developed.*

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objective

The objectives of this Planning Proposal are:

- To rezone part of the subject land from R5 Large Lot Residential to R1 General Residential to enable appropriate residential subdivision and development.
- To amend the Minimum Lot Size Map to include a MLS of 1,250m², 1,000m² and 600m² alongside the existing 4,000m² MLS.
- To recognise parts of the subject land that have certain environmental, landscape, biodiversity and aesthetic attributes and rezone them to RE1 Public Recreation.
- To demonstrate that the subject land is suitable for residential development whilst demonstrating that the rezoning would not generate unacceptable environmental, social or economic impacts.

Intended Outcomes

The intended outcomes of this Planning Proposal are:

- To enable the residential subdivision and development of the subject land.
- To increase the residential land supply and encourage housing diversity, choice and affordability.
- To reflect the intent or vision of the *Cabonne Settlement Strategy 2021-2041* which identifies the subject site as *Strategy Growth Areas MOL2, MOL3 and MOL-VIS*

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal would be achieved as follows:

- Amend the *Land Zoning Map Sheet LZN_004A* of the Cabonne Local Environmental Plan 2012 to rezone part of the subject land from R5 Large Lot Residential to R1 General Residential and RE1 Public Recreation.
- Amend the *Minimum Lot Size Map Sheet LSZ_004A* of the Cabonne Local Environmental Plan 2012 so that the minimum subdivision lot size applying to the subject land is 4,000m², 1,250m², 1,000m² and 600m².
- Add a new map sheet to the LEP to identify the subject land as an urban release area (URA) and add the following URA provisions to the text of the LEP.

Part 7 Urban release areas

7.1 Arrangements for designated State public infrastructure

This Part applies to development on land identified as an “Urban Release Area” on the *Urban Release Map*.

7.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

7.3 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to development for any of the following purposes—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

7.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

There are no other changes to the text of the LEP. The zone objectives and the land use table in relation to the R5 Large Lot Residential, R1 General Residential and RE1 Public Recreation Zones remain unchanged.

The Draft LEP maps are provided in *Part 4* and *Annexure B* of this Planning Proposal.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

SECTION A – NEED FOR THE PLANNING PROPOSAL

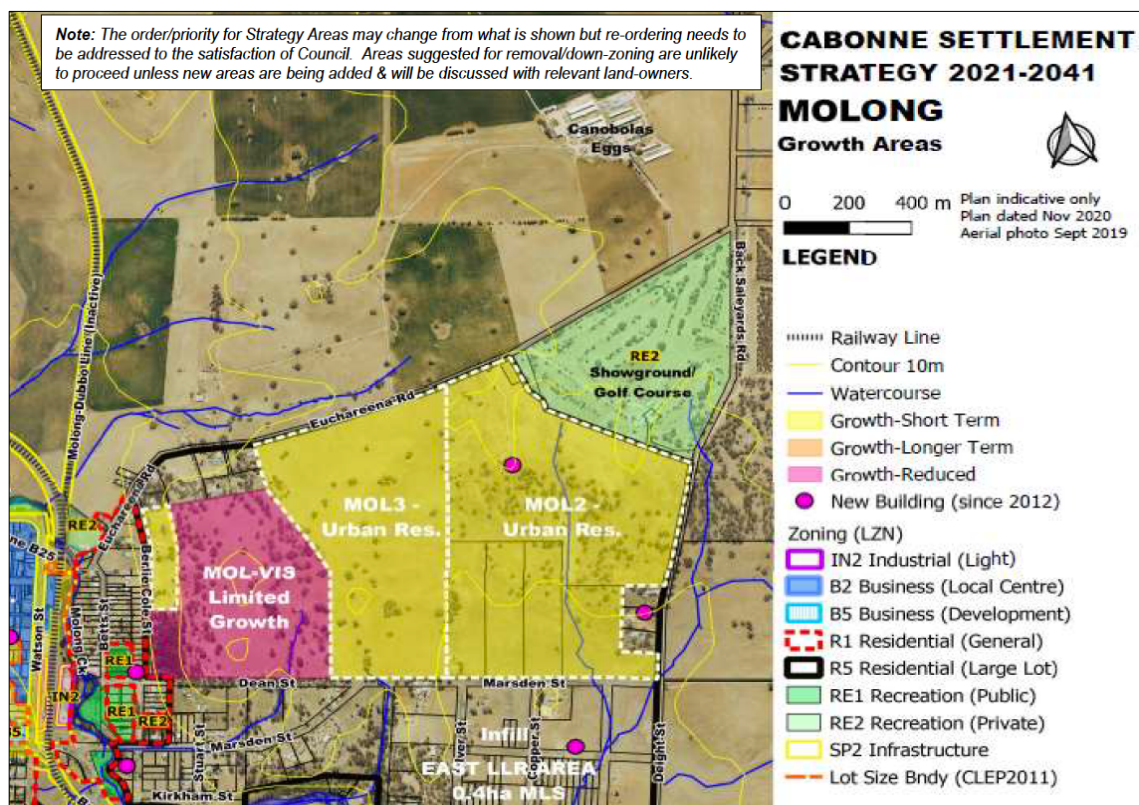
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This Planning Proposal relates to land that has been identified in the Cabonne Settlement Strategy 2021-2041 as a candidate site for urban residential development.

Cabonne Settlement Strategy 2021-2041

This Planning Proposal is supported by the *Cabonne Settlement Strategy 2021-2041*. The aim of the CSS is to identify up to 20 years' supply of urban and large lot residential land for each settlement within the Cabonne Local Government Area and to ensure that the planning decisions do not constrain future growth or increase land use conflict.

The subject land is located within *Strategy Growth Areas MOL2, MOL3 and MOL-VIS* area of the CSS. It should also be acknowledged that the site was also identified in the now superseded 2012 Settlement Strategy for Large Lot Residential development.



The CSS made the following comments in respect of the subject land which are considered below.

The land marked as Strategy Area MOL-VIS in the East LLR Area adjacent to Bertie Cole St is an important visual backdrop to the town of Molong, particularly when looking east across the town centre.

Noted and agreed.

The land rises from Bertie Cole St up to the ridge running across to Dean St making this land highly visible. In addition, this land has significant coverage of native trees (as well as a pocket of pine trees in the south west corner) that gives it a landscape quality that is important to the character of Molong.

The existing planning provisions under Cabonne LEP 2012 (R5 Zone and MLS 4,000m²) have been retained for this part of the site. These provisions encourage a lighter development pattern in recognition of the landscape quality and the topographical and ecological constraints. Nominated dwelling envelopes will further assist in this regard.

The native vegetation is likely to be a significant constrain to development of this land (in part due to the cost of offsetting biodiversity). The importance of this visual catchment also suggests that development should be minimised in this area.

A biodiversity assessment has been undertaken in support of this PP (refer *Annexure E*). The assessment found that the ecological constraints can be appropriately managed via a range of recommended avoidance, mitigation and compensation measures.

If Bertie Cole St was constructed, it may release some vacant land in the existing urban residential area and support some new housing along the lower contours of that street frontage. However, the aim would be to limit development on higher contours and near the ridge and retain as many significant trees as possible.

The Planning Proposal does not propose access to Bertie Cole Street. It is not anticipated to carry any additional traffic further to the Proposal.

This Strategy recommends that a DCP is prepared with a Structure Plan indicating how this land could be developed, investigation areas of visual and vegetation significance, and desired local road and pedestrian and cycle connections. This Strategy is likely to support additional housing at the lower contours along Bertie Cole St whilst minimising development between RL560 and the ridge at around RL580. Additional controls will be needed in either the LEP or DCP to guide development.

The above matters have been addressed in the development concept for the site and can be managed appropriately at the time future development is proposed within the subject land. In this regard:

- It is recognised that the south-western corner of the subject land forms a visual backdrop to Molong with this land having the ability to subtly influence the visual amenity of the area.
- Development is not envisaged along Bertie Cole Street. As mentioned previously, it is envisaged that building envelopes would be applied to the areas of ecological or topographical constraint to minimise impacts.
- A draft DCP has been prepared and is provided in *Annexure M*. The DCP includes controls to require:
 - Appropriate siting, design, external materials and colours.
 - Retention of remnant vegetation and the establishment of new trees.
 - Protection of the skyline when viewed either from the urban area of Molong or from public places in the vicinity of the land.

As Strategy Areas MOL2 & MOL3 are relatively undeveloped, it makes sense to use this land as efficiently as possible (smaller lot sizes) to minimise future need to expand the urban area into surrounding agricultural land. Below 0.4ha/lot, this land would need to be connected to reticulated water and sewer.

The development concept is consistent with this matter. It depicts some 635 residential lots with a range in lot size to encourage a variety of housing types and densities.

Preliminary engineering advice indicates that the subject land can be adequately serviced in terms of reticulated water and sewer (refer *Annexure I*).

Recent analysis of servicing potential suggests that East Molong LLR may be easier/cheaper to connect sewer with drainage falling towards existing sewer mains. The cost of extending services up Euchareena Road & Marsden Rd suggests yields should be maximised where it is consistent with the desired future character and site constraints. Therefore, this strategy suggests MOL2 & MOL3 should be considered for urban residential zoning if connection to reticulated sewer/water is viable.

Noted. The provision of services and infrastructure to serve the development will be borne by the developer and without additional costs or burden upon the community. In particular:

- The area is already serviced by electricity and telecommunications.
- The preliminary servicing strategy (refer *Annexure I*) indicates that the provision of reticulated water and sewer and stormwater infrastructure is viable.
- Based on the information provided later in this PP (*Section C – Traffic Impacts*) the existing road network is capable of accommodating the development without unreasonable upgrades.
- One of the key objectives of the CSS is to promote the orderly and economic use and development of land. For the reasons outlined throughout this submission, acceptance of this Planning Proposal would represent the effective orderly and economic use of land that is identified in the CSS as being suitable for urban zoning.

CLEP 2012 currently only has the following residential zones: R1 General Residential (broad range of permissibility of residential uses including medium and high density) and Zone R5 Large Lot Residential. Strategy Area MOL2 & 3 may be more suited to a low-density residential zone (not currently in the LEP) but requires further investigation. If Seniors Living is proposed, then Zone R1 may be more suitable.

The proposal will utilise the existing R1 General Residential zoning provisions that are contained in Cabonne Local Environmental Plan 2012. The introduction of the R2 Low Density Residential Zone is considered unnecessary due to the following:

- A low density residential environment can be achieved by the R1 General Residential Zone in conjunction with the proposed Minimum Lot Sizes.

- The proposed R1 General Residential Zone encourages greater diversity in housing types and density. Where appropriate, the R1 Zone would allow the site to be developed to support multi-dwelling housing and seniors housing.
- The provisions of the R1 General Residential Zone also permit a range of compatible non-residential uses such as neighbourhood shops, centre based child care facilities, health facilities, schools and the like. There are numerous sites within the subject land to accommodate such uses should they be required as the residential area evolves.
- Whilst the R2 Low Density Zone is not proposed, the concept that has been prepared for the site demonstrates many attributes of a low density environment. This includes numerous large lots and generous areas of open space.

There should be a diversity of lot sizes taking into account site constraints ranging from pockets of smaller 500-600m² lots (possibly some seniors living areas subject to connection to Bank St services) ranging up to 4,000m² lots (with an average around 1,200-1,600m²). Dwelling lot yield is roughly estimated to produce MOL2 > 300-400 lots and in MOL3 > 200-300 lots.

With reference to the development concept, the future subdivision of the subject land would generate a yield of approximately 635 lots ranging in size generally from 600m² to greater than 10,000m².

It is acknowledged that the development concept for the site suggests a yield greater than that estimated in Section 1.8.3 of the CSS. However, this is considered reasonable due to the following:

- In preparing this submission, a detailed site analysis has been undertaken having regard to the constraints and opportunities of the site. The development concept responds to the site constraints and opportunities and provides a sustainable yield of 635 lots of various sizes and densities.
- The CSS is a high-level strategic land use planning document, therefore, the estimated yield within MOL2 and MOL3, is a “rough estimate” as identified in Section 1.8.3 of the CSS.
- One of the key objectives of the CSS is to promote the orderly and economic use and development of land. For the reasons outlined throughout this submission, acceptance of this Planning Proposal would represent the effective orderly and economic use of land that is identified in the CSS as being suitable for urban zoning.

- It should also be recognised that the development concept is indicative only and is subject to the development application process. The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.
- It is expected that the potential lots would be released in stages in line with demand.
- Section 1.8.3 of the CSS recognises that the rapid growth in Molong requires a broader review of sites and that if the subject land is taken-up by Large Lot Residential uses, then the opportunity is lost for a significant urban growth area. In this context, the higher lot yield suggested by this PP is further justified.

The higher density should be able to fund improved urban design outcomes including, but not limited to: local road connections between adjacent sites; on-site stormwater detention and water quality management; and pedestrian & cycle connection back to Bank Street.

The development concept demonstrates good urban design outcomes and will provide generous areas of public open space to enhance the streetscape and residential amenity of the area. The development concept provides opportunities for future road connection on adjacent sites; on-site stormwater detention; public open space; and pedestrian and cycle connections.

Section 2.1.4 of the Local Profile & Issues Paper of the CSS recognises that there is an inefficient use of existing zoned urban land within Molong. To this end, this Planning Proposal is supported by a preliminary engineering advice indicates that the proposed rezoning represents a more efficient use of the subject land without adversely affecting the provision of services. It is submitted that an increased density will result in a more efficient use of services and infrastructure.

Overall, acceptance of this Planning Proposal would increase the opportunities for additional dwellings that would accelerate housing supply and improve housing choice to accommodate the evolving demographics of Molong. The rezoning of the subject land would result in a more efficient use of the site which has the ability to accommodate a sustainable level of urban residential development.

In this regard, this Planning Proposal is not inconsistent with the guiding land use principles of the CSS as it would facilitate the sustainable and progressive release of the urban residential land whilst preserving the biodiversity values of the site.

It is important to note that there is a low risk of Naturally Occurring Asbestos on lands east of the Broken Hill Railway Line/Molong Creek. This should be addressed in any geotechnical study.

The preliminary contamination assessments for the site (refer *Annexure G*) do not indicate Naturally Occurring Asbestos occurring at surface level.

An unexpected finds protocol should be implemented if asbestos (including naturally occurring asbestos) or other contaminants are suspected during site development works.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order to facilitate the future residential development of the subject land, this Planning Proposal is the best means to achieve the objectives and intended outcomes. In this regard:

- The PP is consistent with the Cabonne Settlement Strategy which provides a clear strategic direction for sustainable residential growth and development within the Cabonne LGA.
- The current zoning provisions and minimum lot size requirements of the subject land would residential development.
- An amendment to the Cabonne LEP 2012 Land Zoning Map and Minimum Lot Size Map is the best means of achieving residential development of the subject land.
- The provisions of the Cabonne LEP 2012 and a Development Control Plan would ultimately control and regulate the proper and orderly development of the subject land.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Central West and Orana Regional Plan 2041* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2041. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The themes of the Regional Plan are:

- Re-shaping investment within the region.
- A sustainable and resilient place.
- People, centres, housing and communities.
- Prosperity, productivity and innovation.

The Regional Plan identifies the following priorities for the Cabonne LGA:

Priorities for Cabonne LGA	
Priority	Comment
The economic diversity of towns, villages, and commercial centres.	PP not adverse to this priority
Appropriate development in villages.	Not relevant to PP
Ensuring long terms benefits for the LGA from the mining and agribusiness sectors, and associated businesses.	PP not adverse to this priority
Protecting agricultural land from residential development.	The PP is consistent with this priority. It relates only to land identified as a candidate site for residential development in the CSS.

Priorities for Cabonne LGA (continued)	
Priority	Comment
The local, regional and state transport network.	PP not adverse to this priority
Using rural character to diversify the economy in areas such as tourism.	PP not adverse to this priority
Implementing the Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy.	PP not adverse to this priority
Managing growth pressures associated with the growth of Orange.	PP is consistent with this priority. It seeks to sensibly increase the residential land supply at Molong.
Identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Dubbo, Orange, and the Parkes SAP.	PP not adverse to this priority

The table below provides a consideration of the Planning Proposal against the objectives and actions of the Central West and Orana Regional Plan 2041.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
1. Deliver the Parkes Special Activation Precinct and share its benefits across the region.	This objective is not relevant to the PP.
2. Support the State’s transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone.	Consistent as the development concept: • Would provide the opportunity for future buildings to be renewable ready. • Provides a subdivision layout that maximises energy-efficiency principles. Where practicable, lots are rectangular rather than splay shaped and oriented to facilitate effective solar access.
3. Sustainably manage extractive resource land and grow the critical minerals sector	The PP is not adverse to this objective.
4. Leverage inter-regional transport connections	The PP is not adverse to this objective.
5. Identify, protect and connect important environmental assets	Consistent as discussed in the relevant sections of this PP.
6. Supported connected and healthy communities	The PP is not adverse to this objective.
7. Plan for resilient places and communities	Consistent as discussed throughout this submission.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
8. Secure resilient regional water resources	The PP is not adverse to this objective. It is understood that Council has engaged consultants to assist Council with preparing a strategy for the Molong Water Supply.
9. Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. An ACHAR has been undertaken for the proposed rezoning which confirms the suitability of the site in respect of Aboriginal Cultural Heritage. According to Cabonne LEP 2012 mapping, the subject land is not within a conservation area and does not contain a heritage item.
10. Protect Australia's first Dark Sky Park	This objective is not relevant to the PP.
11. Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	This objective is not relevant to the PP.
12. Sustain a network of healthy and prosperous centres	This objective is not relevant to the PP.
13. Provide well located housing and options to meet demand	Consistent as discussed throughout this submission.
14. Plan for diverse, affordable, resilient and inclusive housing	Consistent as discussed throughout this submission.

CENTRAL WEST AND ORANA REGIONAL PLAN 2041	
OBJECTIVE	COMMENT
15. Manage rural residential development	This objective is not relevant to the PP.
16. Provide accommodation options for seasonal, temporary and key workers	This objective is not relevant to the PP.
17. Coordinate smart and resilient utility infrastructure	The PP is not adverse to this objective. The Servicing Strategy demonstrates that the subject land can be adequately serviced.
18. Leverage existing industries and employment areas and support new and innovative economic enterprises	This objective is not relevant to the PP.
19. Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	The PP is not adverse to this objective
20. Protect and leverage the existing and future road, rail and air transport networks and infrastructure	The PP is not adverse to this objective
21. Implement a precinct-based approach to planning for higher education and health facilities	This objective is not relevant to the PP.
22. Support a diverse visitor economy	The PP is not adverse to this objective.
23. Supporting Aboriginal aspirations through land use planning	The PP is not adverse to this objective.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cabonne Council Local Strategic Planning Statement

Council's *Local Strategic Planning Statement* sets the framework for Cabonne's economic, social, and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located, and when they will be delivered. The LSPS sets short, medium, and long-term actions to deliver priorities that align with Council's broader Community Strategic Plan.

Those Planning Priorities relevant to the Planning Proposal are outlined below.

- Planning Priority 1: Support the diversification in agriculture and protect agricultural land from urban encroachment.
- Planning Priority 4: Support and promote sustainable development within our villages and celebrate our history.
- Planning Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire.
- Planning Priority 6: Ensure that infrastructure and facilities cater for the changing needs of our community.
- Planning Priority 7: Protect and enhance our landscape, biodiversity and waterways.
- Planning Priority 8: Manage natural hazards to mitigate their impacts on our communities.
- Planning Priority 9: Mitigate and adapt to climate change.

As demonstrated throughout this report, the proposal is considered to be entirely consistent with the above Planning Priorities. In this regard:

- With regard to Planning Priority 1, the subject land is identified within the CSS as a growth area that is suitable for a denser urban residential settlement pattern. The agricultural value of the site is more or less non-existent which is recognised through

the current R5 Large Lot Residential zoning as well as the inclusion of the land in the CSS as a candidate area for urban residential zoning. As outlined throughout this submission, the management of land use conflicts with the rural interface can be appropriately managed.

- In consideration of Planning Priority 4, the rezoning of the subject land is consistent with Council’s strategic land use planning framework which aims to guide sustainable urban development.
- With regard to Planning Priority 5, the facilitation of this Planning Proposal will contribute to the variety of housing types and densities available in the LGA. To this end, the proposed R1 General Residential zoning will provide opportunities for affordable housing forms and seniors living development.
- With regard to Planning Priority 6, the provision of services and infrastructure to support the future development of the land is outlined in the Preliminary Servicing Strategy.
- With regard to Planning Priority 7, the ecological constraints of the site are recognised. The biodiversity assessment (refer *Annexure E*) found that with the implementation of the proposed mitigation and compensation measures, it is considered likely that the impacts of the PP on flora and fauna species or threatened ecological communities can be appropriately managed.
- With regard to Planning Priority 8, the strategic bushfire study (refer *Annexure H*) demonstrates that the site and future development is not unreasonably constrained in this regard. The study recommends minimum APZs from identified woodland hazards and grasslands hazards. According to the study, the subject site and proposed Concept Lot Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2019.
- With regard to Planning Priority 9, future residential development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.

Cabonne Community Strategic Plan 2022-2032

The Community Strategy Plan describes the community’s vision and aspirations for a period of ten or more years. The strategic directions outlined in the CSP relevant to this Planning Proposal are detailed below.

Leadership

1.2 There is a clear, agreed strategic direction for Cabonne, where we know about major projects, delivery timeframes and local impacts ahead of time so we can plan and benefit from these.

The Planning Proposal is consistent with this Strategic Direction.

The Proposal is consistent with the Cabonne Settlement Strategy which is a land use planning framework prepared in 2021 to provide a strategic framework for future residential development within the Cabonne LGA for the next 20 years.

The information submitted in support of this Planning Proposal outline the potential impacts associated with the proposed rezoning and recommend a suite of measures to attenuate any impacts that may arise.

Infrastructure

2.1 Cabonne's towns and villages have access to a safe and modern active transport network that encourages walking and cycling.

2.2 The Cabonne LGA is a digitally connected LGA, with appropriate and reliable mobile and internet connectivity.

2.3 The Cabonne LGA is connected by a road network that is safe and maintained – including both sealed and un-sealed roads.

2.4 Planning is undertaken to ensure that the Cabonne road network can support the safe movement of freight and other heavy vehicles.

The Planning Proposal is consistent with the above Strategic Directions as follows:

- A traffic assessment has been prepared in support of the Planning Proposal. The traffic impacts associated with the Planning Proposal are discussed in *Section C*.
- Future subdivision of the subject land would involve the extension of telecommunication and NBN technology to each lot.

Community

3.1 Elderly residents can age well in Cabonne.

3.6 The history and heritage of Cabonne – including our indigenous culture – is valued and protected.

The Planning Proposal is entirely consistent with this Strategic Direction as it:

- Provides additional living opportunities within a rural town and rural setting.
- Does not impact on any aboriginal sites or places.

Community

4.2 Cabonne has a wide range of affordable and quality housing options that cater to the diverse needs of our community.

The Planning Proposal is consistent with this Strategic Direction. Considering the significant cost of housing in the nearby regional centre of Orange, there is likely to be flow-on effects for people seeking more affordable housing options which this Planning Proposal will facilitate.

This Planning Proposal will contribute to the variety of housing types and densities available in Cabonne LGA. The proposed R1 General Residential zoning will provide opportunities for affordable housing and seniors living development.

Environment

5.1 Cabonne’s natural beauty and landscapes – lookouts, rivers, creeks, lakes, parks – are healthy and preserved for the enjoyment of our community and visitors to Cabonne.

5.3 The Cabonne community are working responsibly to mitigate and, where necessary, adapt to the impacts of climate change.

5.4 Cabonne residents have access to secure, quality and reliable water supply.

The Planning proposal is consistent with the above Strategic Directions as follows:

- The development concept recognises the ecological values of the site. As demonstrated in the development concept for the site, the future subdivision of the subject land should prioritise the retention of as much as the Box Gum Woodland as possible.
- Future development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.
- It is understood that Cabonne Council was successful in receiving \$90 million in grant funding from the NSW Government's Safe and Secure Water Program to develop a program of works to tender ready stage, that will secure the Molong water supply into the future. It is understood that the potential development of the subject land was considered as part of the grant funding process.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies.

Councils of Blayney, Cabonne and Orange City Sub-Regional Rural and Industrial Land Use Strategy

The Councils of Blayney, Cabonne and Orange City have jointly prepared the *Subregional Rural and Industrial Land Use Strategy* in relation to the rural and major industrial areas of the three local government areas. It considers key issues and strategies for growth management, agriculture, industry, rural subdivision, natural and scenic environment, and heritage and culture.

Key recommendations relate to:

- Rural Residential: Future investigation areas to allow for growth of rural residential uses that are not attached to villages/towns.
- Industry: Future investigation areas to allow for growth of core industrial uses (other than light industry in existing villages/towns).
- Rural Subdivision: Recommended minimum lot size for subdivision of rural lands for agriculture and an ancillary dwelling.

There are no aspects of the *Subregional Rural and Industrial Land Use Strategy* that are of relevance to the subject land or this PP.

6. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the table below.

State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Resilience and Hazards) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Industry and Employment 2021)	Not applicable
State Environmental Planning Policy (Resources and Energy)	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable
State Environmental Planning Policy (Housing) 2021	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable
State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable

7. Is the planning proposal consistent applicable Ministerial Directions (section 9.1 Directions)?

Section 9.1(2) of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect when preparing draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.1 Implementation of Regional Plans Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The PP is consistent with this Direction. The Table on pages 29 to 32 of this PP provides a consideration of the objectives and actions of the <i>Central West and Orana Regional Plan 2041</i> .
1.2 Development of Aboriginal Council Land When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account: (a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.	This Direction is not relevant to the Planning Proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.3 Approval and Referral Requirements A planning proposal to which this direction applies must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and (c) not identify development as designated development unless the relevant planning authority: i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and	The Planning Proposal is not adverse to this Direction as it not Designated Development. The future subdivision of the land will be Integrated Development and will require the concurrence of the NSW Rural Fire Service as the land is bushfire prone.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	
1.4 Site Specific Provisions (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	The Planning Proposal is consistent with this Direction as it proposes to rezone the subject land to a zone that already exists in the Cabonne Local Environmental Plan 2012 without imposing any additional development standards or requirements that are not already contained within that zone.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.	In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed zoning. The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.
1.5 Parramatta Road Corridor Urban Transformation Strategy	This Direction is not relevant to the Planning Proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction is not relevant to the Planning Proposal.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This Direction is not relevant to the Planning Proposal.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This Direction is not relevant to the Planning Proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.11 Implementation of Bayside West Precincts 2036 Plan	This Direction is not relevant to the Planning Proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This Direction is not relevant to the Planning Proposal.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This Direction is not relevant to the Planning Proposal.
1.14 Implementation of Greater Macarthur 2040	This Direction is not relevant to the Planning Proposal.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	This Direction is not relevant to the Planning Proposal.
1.16 North West Rail Link Corridor Strategy	This Direction is not relevant to the Planning Proposal.
Focus Area 2 – Design and Place	
Direction	Comment/Response
This Focus Area was blank when the Directions were made	Noted.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
Direction 3.1 Conservation Zones (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.	The PP is consistent with this Direction. The subject is not within an environment conservation/protection zone. The Planning Proposal is consistent with this Direction. The subject land does not contain an <i>environmentally sensitive area</i> (as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is not within an environment conservation or protection zone.
Direction 3.2 Heritage Conservation (1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	The PP is consistent with this Direction. The subject land is not identified in Schedule 5 of the Cabonne Local Environmental Plan 2012 as containing and Item of Environmental Heritage and is not within a Heritage Conservation Area.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	An Aboriginal Cultural Heritage Assessment Report has been prepared (refer <i>Annexure F</i>). It concludes that there are no Aboriginal sites or places present within the subject land.
Direction 3.3 Sydney Drinking Water Catchments	Not relevant. Land is not within a Sydney Drinking Water Catchment.
Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.
Direction 3.5 Recreation Vehicle Areas	Not relevant.
Direction 3.6 Strategic Conservation Planning	Not relevant. Land is not identified as “avoided land” or a “strategic conservation area”.
Direction 3.7 Public Bushland	Not relevant. Land does not contain “public bushland”.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
Direction 3.8 Willandra Lakes Region	Not relevant.
Direction 3.9 Sydney Harbour Foreshores and Waterways Area	Not relevant.
Direction 3.10 Water Catchment Protection	Not relevant. Subject land is not within a regulated drinking water catchment.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
Direction 4.1 Flooding	Not relevant.
Direction 4.2 Coastal Management	Not relevant.
Direction 4.3 Planning for Bushfire Protection (1) In preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	The PP is consistent with this Direction. A Strategic Bushfire Study has been prepared (<i>Annexure H</i>).

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
Direction 4.4 Remediation of Contaminated Land (1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless: (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.	The Planning Proposal is consistent with this Direction. The potential contamination status of the subject land has been investigated as part of this Planning Proposal. A preliminary contamination investigation is attached in <i>Annexure G</i> and has regard to the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and the <i>Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land</i>. The findings and recommendations of the preliminary contamination investigation are summarised in <i>Section C</i> of this report.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	
Direction 4.5 Acid Sulfate Soils	Not relevant. Subject land not identified on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.
Direction 4.6 Mine Subsidence and Unstable Land	This direction is not relevant to the Planning Proposal as the subject land is not located within a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> , or has been identified as unstable in a study, strategy, or other assessment undertaken on behalf of Council.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
Direction 5.1 Integrating Land Use Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:	There are no aspects of the proposal that are inconsistent with the objectives of this Direction

(a) Improving access to housing, jobs and services by walking, cycling and public transport, and (b) Increasing the choice of available transport and reducing dependence on cars, and (c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and (d) Supporting the efficient and viable operation of public transport services, and (e) Providing efficient movement of freight A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and (b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.	The potential impacts associated with the Planning Proposal on the capacity and function of the road network and associated infrastructure has been considered in the Traffic Impact Assessment prepared by Arc Traffic + Transport (refer <i>Annexure D</i>).
Direction 5.2 Reserving Land for Public Purposes	This Direction is not relevant to the PP.
Direction 5.3 Development Near Regulated Airports and Defence Airfields	This Direction is not relevant to the PP.
Direction 5.4 Shooting Ranges	This Direction is not relevant to the PP.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 6 – Housing	
Direction	Comment/Response
Direction 6.1 Residential Zones The objectives of the direction are to: (a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact on residential development on the environment and resource lands. (1) A planning proposal must include provisions that encourage the provision of housing that will: (a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design.	As discussed in the foregoing sections of this submission, the proposed rezoning of the subject land is not adverse to this direction. In this regard: • The change in zoning will broaden the choice of building types and locations within the local market. • The Planning Proposal will rezone part of the land from R5 Large Lot Residential to R1 General Residential. One of the main objectives of this Proposal is to increase the urban residential density of the site. It is submitted that a denser urban settlement pattern will enable a more efficient allocation of infrastructure and services. • As supported by the CSS, the proposed rezoning represents a more efficient use of the subject land without adversely affecting the provision of services. It is submitted that an increased density results in a more efficient use of services and infrastructure. • The proposed rezoning will utilise land that is already permits residential development. Accordingly, increasing the density of the site will reduce the need to expand the future urban area of Molong into surrounding agricultural land.

(2) A planning proposal must, in relation to land to which this direction applies: (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of the land.	• The servicing strategy demonstrates that the land and future development of the site can be adequately serviced (refer <i>Annexure I</i>). • The PP does not contain provisions that reduce the residential density of the land.
Direction 6.2 Caravan Parks and Manufactured Home Estates	This direction is not relevant to the Planning Proposal as it will not affect the permissibility of a caravan park or manufactured home estates within the subject land.
SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 7 – Industry and Employment	
Direction	Comment/Response
Direction 7.1 Business and Industrial Zones	This direction is not relevant to the Planning Proposal.
Direction 7.2 Reduction in non-hosted short term rental accommodation period	This direction is not relevant to the Planning Proposal as it only applies to the Byron Shire Council.
Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This direction is not relevant to the Planning Proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
Direction 8.1 Mining, Petroleum and Extractive Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (a) Prohibiting the mining of coal or other materials, production of petroleum, or winning or obtaining of extractive materials, or (b) Restricting the potential development of resources of coal, other materials, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. (1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must: (a) Consult the Secretary of the Department of Primary Industries (DPI) to identify any:	The proposal is inconsistent with this direction; however, the inconsistency is justified on the basis that the subject land is: • Already zoned for large lot residential development which does not permit mining or extractive industries. • Identified in the Cabonne Settlement Strategy 2021-2041 as a suitable area for future urban residential development. • Not identified in the 2012 Mineral Resource Audit for the Cabonne LGA. • Located in an area that is adjacent to a township and also fragmented by lifestyle lots. As such, due to the existing settlement pattern in and around the subject land, the exploration of minerals in and around the subject land is unlikely.

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
i. Any resources of coal, other minerals, petroleum or extractive material that are of other State or regional significance. ii. Existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal. (b) Seek advice from the Secretary of DPI on the development potential of the resources identified under (1)(a)(i), and (c) Identify and take into consideration issues likely to lead to land use conflict between other land uses and: i. Development of resources identified under (1)(a)(i), or ii. Existing development identified under 1(a)(ii)	

SECTION 9.1 MINISTERIAL DIRECTIONS – SCHEDULE OF CONSIDERATION	
Focus Area 9 – Primary Production	
Direction	Comment/Response
Direction 9.1 Rural Lands	This direction is not relevant as it does not affect land within an existing or proposed rural zone.
Direction 9.2 Oyster Aquaculture	This direction is not relevant to the Planning Proposal as the subject land is not located in a 'Priority Oyster Aquaculture Area'.
Direction 9.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not relevant to the Planning Proposal.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

A Biodiversity Assessment Report (BAR) has been prepared by Cumberland Ecology for this Planning Proposal (refer *Annexure E*).

The BAR assesses the impacts of the proposed rezoning on biodiversity values and provides a preliminary assessment of the impacts of future residential development.

The BAR found as follows:

Past and current use of the subject land has entailed clearing and modification of the majority of pre-existing native vegetation. Despite the impacts of previous disturbance and location within a fragmented landscape, the project will require the clearing of some areas of native vegetation that are likely to provide habitat for several threatened fauna species. The proposed subdivision layout has sought to retain vegetation and habitat of the subject land considered to have the highest biodiversity value with consideration of their listing status under the BC Act and EPBC Act as well as presence of potential habitat for threatened species.

Native vegetation occurring within the subject land includes PCT 266 White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion. This PCT conforms to Box Gum Woodland listed as a CEEC under the BC Act and EPBC Act. To facilitate the project, approximately 24.39 ha of Box Gum Woodland will be removed, and 14.58 ha will be retained (including 7.22 ha under a positive covenant) within the subject land.

Measures to avoid and minimise impacts to the biodiversity values of the subject land have been incorporated, where possible, and include consideration of the project location and design. Areas of woodland within the subject land extend beyond the subject land to the east and south; however, existing cleared areas prevents any connectivity to the north, and residential dwellings prevent connectivity to the west.

The project may also entail potential indirect impacts, including inadvertent impacts on adjacent habitat and reduced viability of adjacent habitat due to noise, dust or light spill, and prescribed impacts such as alteration to hydrology that have been considered in this BAR.

The BAM sets a standard that will result in no net loss of biodiversity values where the impacts on biodiversity values are avoided, minimised and mitigated, and all residual impacts are offset by retirement of the required number of biodiversity credits. The project has sought to avoid impacts to biodiversity values, and it is recommended that a suite of mitigation measures will be implemented for the project including weed management, delineation of clearing limits, pre-clearance surveys, staging of clearing, sedimentation control measures and landscaping utilising native species.

In order to manage the potential impacts of the project on the environment a range of avoidance, mitigation and compensation measures have been recommended. These include the preparation of a series of detailed management plans including a Sediment and Erosion Plan, a Biodiversity Management Plan, and a Stormwater Management Plan. Furthermore, a positive covenant is proposed to be placed over the patch of remnant woodland within the western portion of the subject land.

The proposed clearing of native vegetation will be subject to further assessment at the DA stage, but it is expected to result in the requirement of offsets in the form of ecosystem credits and species credits. This assessment indicates that the removal of the native vegetation within the subject land required a total of 267 ecosystem credits for PCT 266.

Although targeted threatened fauna species surveys have not been conducted at this stage, the results of the database analysis and habitat assessments indicate that several species credit species are likely to occur on the subject land, in addition to the Superb Parrot which is known to occur. Credit calculations will need be conducted for these species credits species to determine the offset liability at the DA stage of the project.

The BAR makes the following conclusion:

With the implementation of the proposed mitigation and compensation measures, it is considered likely that the impacts of the planning proposal on flora and fauna species or threatened ecological communities can be appropriately managed.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Traffic Impacts

ARC Traffic + Transport has prepared traffic assessments in support of this Proposal:

- *Transport Assessment, Molong Residential Planning Proposal* (2 May 2023). This assessment (TA 2023) considered an earlier concept which included:
 - A total of approximately 620 residential lots;
 - New internal road and pedestrian infrastructure;
 - New access roads to Euchareena Road, Marsden Street and Back Saleyards Road; and
 - Appropriate upgrades of Marsden Street and Back Saleyards Road to accommodate the additional traffic volumes generated to these roads.
- *Response to Request for Information, Molong Residential Planning Proposal* (3 April 2024). This document provided a response to various requests for information raised by Council’s own consultants about TA 2023.
- *Transport Assessment Addendum 1, Molong Residential Planning Proposal* (16 August 2024). This assessment considers the latest concept (Concept Plan 2024 as presented in this PP).

The above assessments are all included in *Annexure D*. The traffic and transport implications of the PP are addressed by *TA 2023* read in conjunction with *Addendum 1*. The assessments are summarised below.

Transport Assessment 2023 (TA 2023)

Based on the original concept (620 lots) TA 2023 provided an assessment of:

- Existing and future base traffic conditions in the local road network providing for the Site, including specific consideration of the proposed Site intersections to existing local roads;

- Existing and future public and active transport services and infrastructure;
- The future vehicle trip generation and distribution of the Site, and the potential impact of those trips on the local road network and key intersections;
- The design of new interface intersections between the Site and existing local roads, and potential mitigation treatments to minimise traffic impacts where required;
- An assessment of the operation of the Site’s internal road network; and
- A detailed assessment of appropriate road profiles for adoption within the internal road network.

TA 2023 made the following conclusions:

- The Proposal is entirely in line with the objectives of the Settlement Strategy and LSPS 2020.
- While bus services are not currently provided in Euchareena Road, the potential exists for future services to be introduced as the residential population of the Site and other identified residential releases increases.
- An active travel path is identified in the PAMP and Bike Plan, which would provide a dedicated active transport route between the Site and the Town Centre, significantly increasing the potential for active transport trips.
- Active transport infrastructure, including shared paths and foot paths, will be provided in all roads within the Site in line with the Engineering Guidelines requirements for Urban Collector and Urban Local Access road profiles.
- The trip generation of the Site is relatively moderate; based on surveys of similar residential subdivisions and Council’s own data, a trip rate of 0.6 trips per dwelling in the peak hours has been adopted, resulting in a total trip generation of approximately 370vph in both peak periods further to the full development of the Site.
- SIDRA analysis indicates that the key intersections will continue to operate at a good Level of Service further to the full development of the Site regardless of the distribution of trips to Mitchell Highway south, with very moderate delays and the retention of significant capacity.

- The intersection of Euchareena Road & Road 1 will be upgraded to provide a CHR and a BAL, a design which exceeds the Austroads warrant requirements.
- The intersections of Marsden Street & Road 2, and Back Saleyards Road & Road 3, will be upgraded to provide BAR and BAL treatments which meet the Austroads warrant requirements.
- Marsden Street and Back Saleyards Road will be upgraded in line with the Engineering Guidelines to ensure that they provide an appropriate design to meet the future traffic demands of the Site. The final design of these roads – and specifically the incorporation of widened reserves to provide for on-street parking and/or active transport infrastructure will be determined further to consultation with Council.

Subsequent to TA 2023, Cabonne Council commissioned their own consultant (Premise) to undertake a review of the proposed infrastructure to be provided as part of the future development (for the original concept).

ARC Traffic + Transport provided a report in response to the Premise review. In summary, ARC Traffic + Transport found that none of the issues raised in the report by Premise would in any way suggest the Planning Proposal could not be approved subject to further access and traffic considerations.

Transport Assessment Addendum 1 (2024)

The Transport Assessment Addendum 1 provided an assessment of the revised concept (Concept Plan 2024) based on the following:

- An increase in potential development yield from 620 residential lots to 635 residential lots;
- Revisions to the internal road network to provide better accessibility across the site, as well as improved potential for legible and inclusive bus routes.

Transport Assessment Addendum 1 (2024) found as follows:

Lot Yield

Concept Plan 2024 would result in the yield of the Site increasing from 620 residential lots as assessed in TA 2023, to 635 residential lots.

The traffic analysis provided in TA 2023 also included the potential development of up to 80 residential lots across land at the north-west corner of the Marsden Road & Back Saleyards Road intersection (termed Site B for ease of reference). However, all available information indicates that this land would have a much lower yield.

As discussed in TA 2023, Site B does not form part of the Proposal.

Trip Generation

A trip rate of 0.6 trips in a peak hour per lot was assigned in TA 2023 based on trip rates identified in Council's Contributions Plan. This trip generation was assigned in the traffic analysis of both the AM and PM peak hours.

Based on Concept Plan 2024, application of the same trip rate to the combined yield of the Site and Site B (715 residential lots) would result in a trip generation of 429vph in both the AM and PM peak hours.

Traffic Impacts

Concept Plan 2024 retains the key interface intersections in their previously assessed locations. The changes to the internal road network in Concept Plan 2024 would not result in any changes to the distribution of trips assigned in TA 2023. The additional 9vph that could be generated further to the full development of the Site and Site B would have no significant impact on the road network; and would not change the conclusions of the traffic analysis provided in TA 2023.

In this regard:

- The additional 9vph would be split between arrival and departure trips at the key Euchareena Road and Marsden Road interface intersections.
- Approximately 5vph would be to/from Euchareena Road, or an average of 1 additional trip every 15 minutes more than assessed in TA 2023.
- Approximately 4vph would be to/from Marsden Road, or an average of 1 additional trip every 20 minutes more than assessed in TA 2023.
- The SIDRA analysis detailed in Section 5.5.2 of TA 2023 clearly shows that all key intersections would operate at a Level of Service (LOS) A under future Base 2032 + Site (+ Site B) conditions, with very significant spare capacity. The small number of additional trips generated further to Concept Plan 2024 would not result in any changes to these future intersection operations.

- The intersection warrants assessment detailed in Section 5.6 of TA 2023 shows that Basic Left (BAL) and Basic Right (BAR) treatments are required at all of the interface intersections. However, the Proposal provides for the primary Site intersection with Euchareena Road to include a Channelised Right (CHR) turn treatment.
- The additional trips generated further to Concept Plan 2024 would not change the “warranted” Austroads treatments at any intersections.

ARC Traffic & Transport conclude that the small number of additional trips that could be generated further to Concept Plan 2024 would in no way change the conclusions of the traffic analysis provided in TA 2023, and as such the road network would operate with few delays and retain significant space capacity further to the full development of the Site (and Site B).

Internal Road Network

Concept Plan 2024 includes changes to the internal road network, primary amongst which is the introduction of a new Urban Collector road generally running east-west through the centre of the Site (Road 2 for ease of reference). This will provide more efficient trips between both Euchareena Road and Marsden Road for residents in the central and eastern parts of the Site.



In addition, the Urban Collector road generally running north-south through the Site between Euchareena Road and Marsden Road (Road 1 for ease of reference) has been

slightly realigned so as not to provide a straight – potentially speed inducing – alignment. A roundabout will also be provided at the intersection of Road 1 & Road 2 (and a minor access road) which will further reduce the potential for speeding in Road 1.

Road Profiles

Concept Plan 2024 does not provide for any changes to the road profiles identified in TA 2023, all of which are fully compliant with the Guidelines for Engineering Works 2009. As with the previously proposed road profiles, the only departure from the Guidelines for Engineering Works 2009 is the Urban Collector road profile for Road 1 and Road 2, which will be widened from the required reserve width of 20.0m to a width of 22.0m so as to provide a shared path on one side of the road instead of a footpath.

Bus Routes

The Urban Collector road profile (20.0m) provides compliance with the carriageway width requirements for bus routes as detailed in the State Transit Bus Infrastructure Guide. Based on Concept Plan 2024, a legible bus route would provide all future residents with a bus stop within 400m of their dwelling via Urban Collector roads, as shown in Figure 2 below, noting that alternative routes would also be available in earlier stages of development given the number of Urban Collector roads providing for buses.



Active Transport

Concept Plan 2024 continues to provide a higher level of active transport accessibility within the Site, with all internal roads providing as a minimum a footpath on one or both sides of the road, and the Urban Collector roads also providing a shared path on one side of the road.

As discussed in Section 4.7.2 of TA 2023, both the Cabonne PAMP and Cabonne Bike Plan indicate future bike (or shared) paths along Euchareena Road to Back Saleyards Road; along Back Saleyards Road and Marsden Street south-west to Mitchell Highway; and then along Mitchell Highway to Orange. As such, future residents will have an excellent level of active transport accessibility.

Conclusion

Following review of Concept Plan 2024, ARC Traffic + Transport continues to support the Proposal further to all access, traffic and transport considerations. In summary:

- The very minor potential increase in trips further to a yield increase from 620 residential lots to 635 residential lots would not alter the excellent operation of local roads and intersections under future conditions further to the development of the Site (and Site B).
- The revised internal road network provides a high level of accessibility for all future residents, as well as better speed control along Road 1.
- No changes are proposed to internal road profiles, which will continue to provide full compliance with the Guidelines for Engineering Works 2009.
- The revised internal road network provides numerous bus capable roads which could accommodate legible and efficient bus services.
- Active transport connectivity within the Site and to all bordering roads remains excellent.

Overall, the traffic assessments provide a significant level of detailed analysis in consideration of the Proposal and essentially support a “proof of concept” for the high level purpose of a Planning Proposal. Therefore, detailed design and plans for traffic infrastructure and the like are not provided at this stage, but would be provided at a later stage as part of the Development Application and subdivision works process.

Contamination

Envirowest Consulting have undertaken preliminary contamination assessments for 92 and 168 Euchareena Road (refer *Annexure G*).

92 Euchareena Road

The preliminary contamination investigation for 92 Euchareena Road is summarised as follows:

- The site is an agricultural grazing property on the eastern outskirts of Molong. Inspections were made on 27 and 28 October and 17 November 2022. Stock grazed is expected to be historically sheep and more recently cattle. Infrastructure comprising two shearing sheds, two animal shelters and yards are located in the western section of the site. A water tank, truck with storage tank and transportable yards are present in the central section.
- Vegetation cover on the site was generally 100% dominated by pasture grasses included phalaris, wild oats, clover. Broad leaved weeds included horehound, Patersons curse, and thistle. Remnant eucalypt trees occur across the site. A bare area was identified in central northern section of the site. A dry drainage depression was present along the southern boundary and had sparse vegetation expected to be a result of prolonged water logging.
- The concrete floor section of the western shearing shed was being used to store various items including iron, timber, equipment, car battery, 44 gallon drum and bulker bag. A dry white powder was identified on the floor and expected to be lime or fertiliser. A stained area was present on the concrete. The concrete is expected to have restricted movement of the staining source into the soil.
- No evidence of fill, sheep dips, mines or contaminating industrial activities were identified at the site. No asbestos containing materials were identified on the site.
- Soil samples were collected from the general site on an approximate 50m grid pattern. The soil samples were collected at the 0 to 100mm depth and evaluated for heavy metals. Additional samples were collected from potential locations considered areas of environmental concern (AEC) at the 50 to 100mm depth and evaluated for heavy metals and hydrocarbons.

- Levels of heavy metals collected from across the general site were below the adopted thresholds for human health and environment.
- Levels of zinc in three samples collected from adjacent structures in the western section exceeded the environmental investigation levels. Vegetation in the areas was not showing signs of impact from the elevated zinc levels. Other heavy metals were below adopted thresholds in all samples from areas of environmental concern.
- Levels of TRH (C16-C34) exceeded adopted environmental screening levels in the sample collected from the dry drainage depression located along the southern boundary. The TRH is expected to be natural from degrading vegetation within the dam. Levels of other hydrocarbons in samples collected from areas of environmental concern were below adopted thresholds.

The report concludes that the site is suitable for the proposed residential land-use. Additional assessment should be undertaken following removal of the structures in the western section to confirm suitability for residential land-use.

168 Euchareena Road

The preliminary contamination investigation for 168 Euchareena Road is summarised as follows:

- The site had a grazing land use history. The use of agricultural pesticides over the area in the past is expected to be low. Vegetation cover within the investigation area was 100% with groundcover vegetation dominated by Phalaris. Remnant eucalypt trees occur in the central and southern sections.
- A small slaughterhouse historically operated from the south eastern section of the site. Slaughterhouse infrastructure has been removed. Levels of potential contaminants in samples collected from the slaughterhouse location were less than adopted thresholds.
- Two areas of stockpiles are present. Stockpile 1 is located in the south eastern section of the site and comprises material generated from site clean-up works including around the former slaughterhouse. Asbestos containing materials were identified in the stockpiles. Level of the potential contaminants were below general solid waste thresholds. The material is classified as asbestos waste with a subclassification of general solid waste and requires removal and disposal of landfill.
- Source of material in Stockpile 2 is not known. Characterisation of the material is required to determine suitability for remaining on-site or off-site re-use or disposal.

- Trace inert debris identified in the location of the former slaughterhouse, in the northwestern section and western section of the site. The debris is an amenity issue.
- No evidence of mines, sheep dips or mixing sheds were identified on the site from the review of the site history or site inspection.
- The stockpiles south east of the former slaughterhouse require removal and disposal to landfill as asbestos waste with a sub-classification of general solid waste. A clearance certificate should be issued following removal works to confirm satisfactory removal of asbestos containing materials.
- The stockpile in the eastern section of the site should be assessed based on end use. Material remaining on-site should be assessed for suitability for residential land use. Material to be removed from site for re-use should be assessed in accordance with the NSW EPA ENM Exemption.
- The on-site septic tank requires decommissioning in accordance with NSW Health Advisory Note 3. The absorption trench should be decommissioned by cultivation and incorporation of lime.
- An unexpected finds procedure should be adopted for site development works.

The report concludes that the site is suitable for the proposed residential land-use following the removal of the asbestos impacted stockpiles

Bushfire

The subject land is identified as being bushfire prone land. Accordingly, a Strategic Bushfire Study (SBFS) has been prepared (refer *Annexure H*).

The purpose of the SBFS is to assess the broader landscape and ultimately assesses whether the new zones and proceeding development is appropriate in the bushfire hazard context. The broad principles which apply to the SBFS analysis are to:

- Ensure land is suitable for development in the context of bush fire risk;
- Ensure new development on BFPL will comply with PBP;
- Minimise reliance on performance-based solutions;

- Provide adequate infrastructure associated with emergency evacuation and firefighting operations; and
- Facilitate appropriate ongoing land management practices.

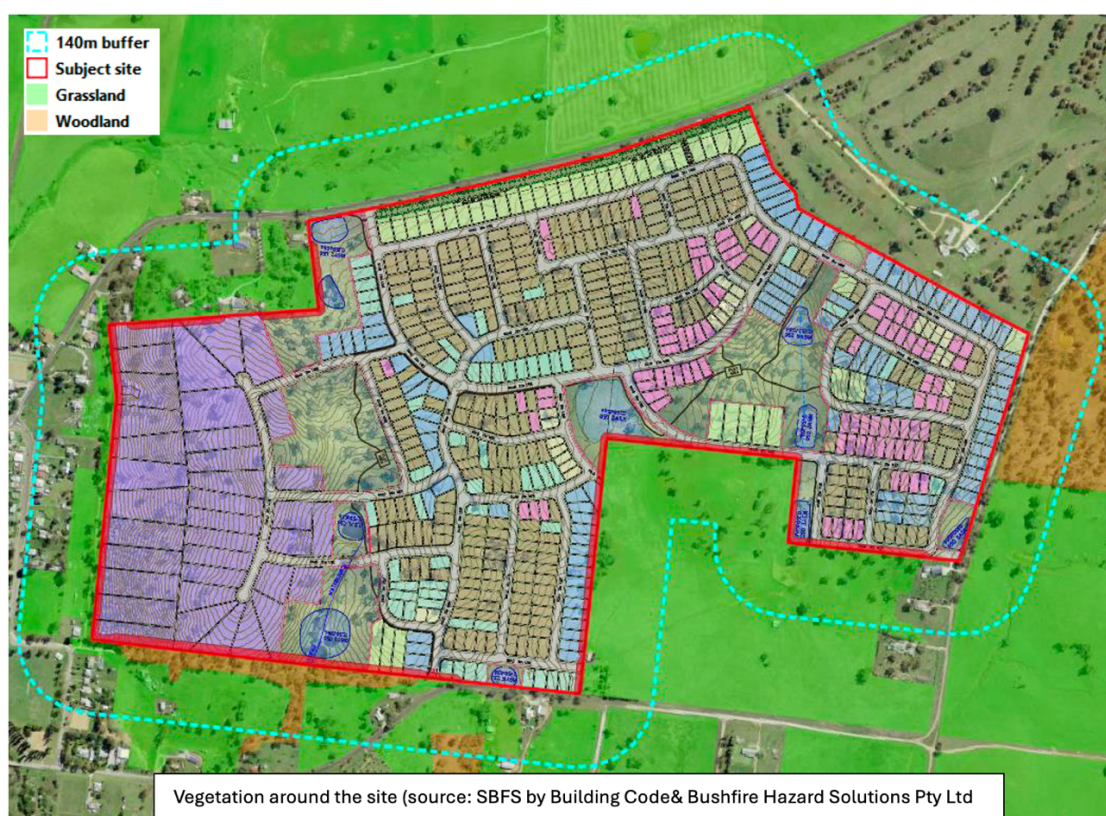
Once the strategic assessment has been addressed, the future land uses are then assessed against the relevant provisions of Planning for Bushfire Protection (PBP).

The strategic assessment gave consideration to the following:

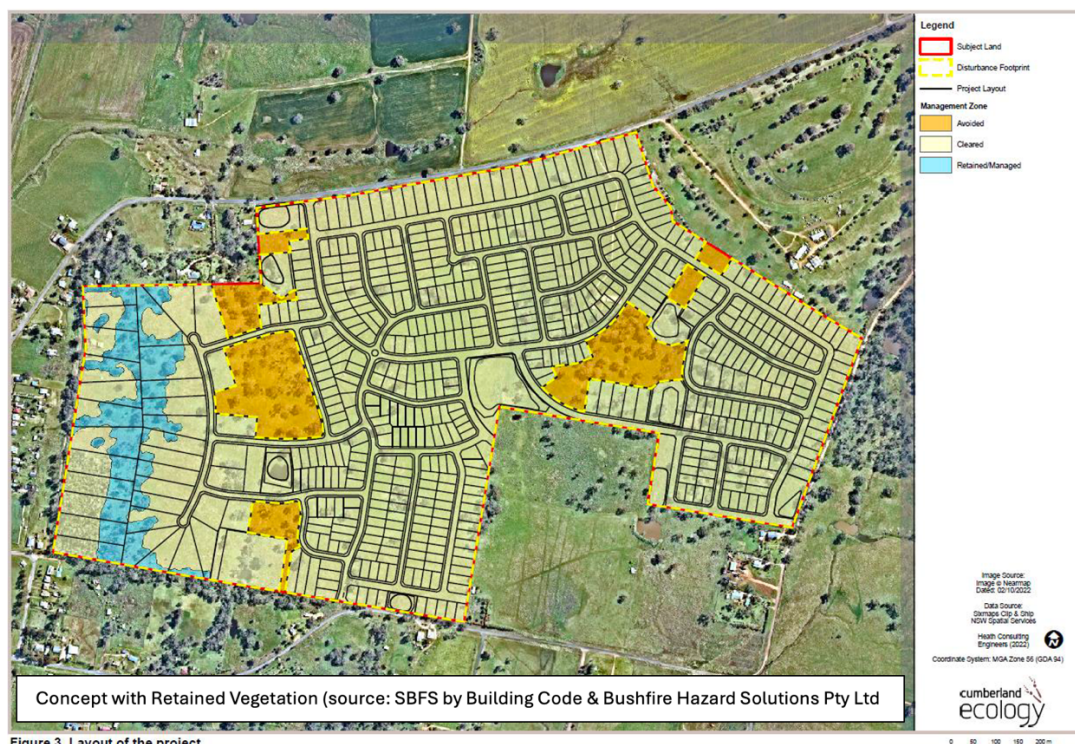
Vegetation

The assessment considered the potential bushfire runs (catchments) that currently exist into the site, as well as the potential fire behaviour and impacts following the delivery of the Concept Layout Plan. The most significant catchments for bushfire were identified to the east being a vegetated associated with neighbouring rural properties.

The assessment considered vegetation within neighbouring allotments to the north, east, south and west of the subject land. The assessment considered land within neighbouring allotments that are being actively grazed to be grassland. The vegetation posing a hazard to the south and east, was found to comprise of trees 10-20 metres in height having a 30% canopy foliage cover and an understory of grasses.

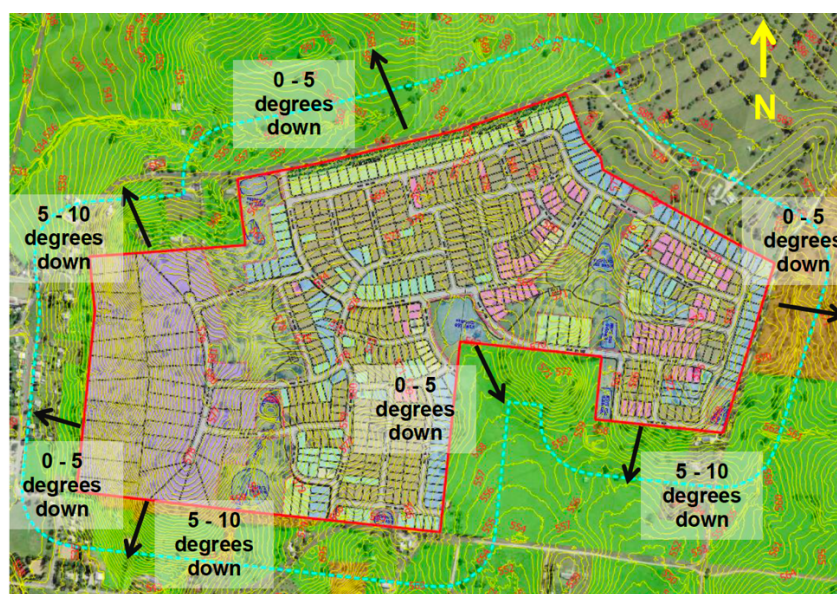


The assessment considered retained vegetation within the site. For the purpose of the assessment the extent of the potential retained vegetation is depicted on the Conceptual Layout. It has been assumed that all land within the subject site including pocket parks and other open space areas, will be developed, maintained to the standard of an Asset Protection Zone or considered low threat vegetation under A1.10 of PBP.



Slope and Topography

The assessment determined slope under the classified vegetation that would most significantly influence bushfire behaviour toward the development site.



Fire Weather

Pursuant to NSW Rural Fire Service publication 'NSW Local Government Areas FDI' (2017) Cabonne Shire Council is located within the Central Ranges Fire Weather District which attracts a Fire Danger Index (FDI) of 80 for bushfire planning purposes.

As there are identified grassland hazards, Table 5.1.4a of PBP was used to determine a Grassland Fire Danger Index (GFDI) of 110.

Previous Bushfire History

According to assessment, the subject site is not considered to be within a known fire path. Furthermore, in consideration of the previous bushfire history the likelihood of a bushfire occurring within the immediate area is considered unlikely.

Potential Fire Behaviour

Bushfire design modelling was undertaken to determine the intensity of two potential fires as follows:

- A bushfire burning from the east through the vegetation associated with neighbouring allotments. While the vegetation to this aspect is fragmented this is the largest catchment. While a fire burning in this direction is expected to have a reduced Fire Danger Index as a margin of safety an FDI 100 was adopted.
- A bushfire burning from the south through vegetation associated with neighbouring allotments toward the subject site. While a fire burning in this direction is expected to reduce the Fire Danger Index due to southerly influences as a margin of safety an FDI 100 was adopted.

Access and Suppression

According to the assessment:

- Comprehensive access will be available to the bushfire hazards that are within or immediately adjacent the subject site via the internal road network.
- Access to the hazard in the broader landscape is available via existing public roads and classified fire trails.
- In consideration of the comprehensive access and its exposure to the public roads the identification and subsequent extinguishment of a bushfire within the site is considered reasonable.

Land Use Assessment

According to the assessment:

- The proposed Concept Lot Plan locates the residential allotments in areas which achieve or exceed the minimum required Asset Protection Zones.
- In consideration of the landscape study and risk profiles the proposed land uses are appropriate.
- It is acknowledged that the residential zone can permit, with consent, some Special Fire Protection Purpose (SFPP) uses. Where future SFPP development is proposed these will be the subject to independent Development Applications which would be required to demonstrate compliance with the relevant specifications and requirements of PBP at that time.

Access and Egress

The assessment considered the capacity of both the existing and proposed road networks both within and external to the investigation area to deal with evacuating residents and responding emergency services. It found as follows:

- The key evacuation route from the site is to the north via the adjacent approved residential subdivision to an existing township.
- Provisions for a future connection to the south to Marsden Street has also been provided as part of this proposal. From Marsden Street or Euchareena Road residents / occupants can travel west towards the township of Molong and south to Mitchell Road (Highway).
- It must also be noted that there are two Neighbourhood Safer Places within the township of Molong with both being approximately 1.6 kms and 1.8 kms to the west of the site from different connection points of the subject site.

Emergency Services

In some circumstances the scale of a planning proposal warrants a need to include provisions for a new fire station.

The assessment found that the existing fire service coverage is considered acceptable.

Infrastructure

An assessment of the issues associated with infrastructure and utilities must be undertaken. This assessment is to include the ability of the reticulated water system to deal with a major bushfire event in terms of pressures, flows and spacing of hydrants.

In this regard, the assessment found as follows:

- In consideration of the size of the proposal and available reticulated towns water it is expected that the future residential allotments will be connected to the existing reticulated towns water. The capabilities of the broader hydrant network is the responsibility of provider. The modest size of the future residential development is unlikely to have a significant adverse impact on this system although where possible this should be confirmed by a suitably qualified hydraulic consultant.
- The sizing, spacing and pressures of any new internal hydrant system must comply with AS2419.1-2021.
- The subject site does not contain any high voltage power lines or gas supply lines.

Planning for Bushfire Protection

In consideration of the relevant provisions of Planning for Bushfire Protection (PBP), the assessment found as follows:

- The proposal can satisfactorily comply with the aim and objectives of *Planning for Bush Fire Protection 2019*.
- The minimum required Asset Protection Zones for the future residential development were determined from Table A1.12.3 of PBP to be 13 - 17 metres from the identified Woodland hazards and 11-12 metres from the grassland hazards. The subject site has the capacity to comply with the minimum required APZs as detailed in PBP.
- The subject site has the capacity to comply with the Water Supply requirements as detailed in sections 5.3.3 of PBP.
- The proposed internal road system has the capacity to comply with the requirements for Access under section 5.3.2 of PBP.

Conclusion

The assessment concludes as follows:

We are satisfied that the subject site and proposed Concept Lot Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2019.

Furthermore, we are satisfied that the proposed Concept Lot Plan, in combination with the bushfire protection measures discussed herein will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies or place existing development at increased risk.

We are therefore in support of the Planning Proposal.

Water Quality

The Cabonne LEP 2012 identifies the subject land as having groundwater vulnerability. Potential impacts on the functioning of key groundwater systems will be addressed as part of any future development application that is lodged as a result of this Planning Proposal.

Having regard to the objectives of the Planning Proposal, it is considered that the by its very nature, future residential development of the site is unlikely to detrimentally affect groundwater resources or water quality for the following reasons:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- On-site effluent disposal will not occur. Residential development of the land requires effluent disposal to occur via Council's sewer reticulation.
- Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. The management of stormwater from buildings and vehicle areas will be subject to Council's normal requirements for development in urban areas.
- The residential use of land does not normally involve the storage or disposal of large quantities of liquid waste or chemicals.

- The proposal does not involve the extraction of groundwater and therefore does not contribute to groundwater depletion.

An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site and have the potential for erosion and sedimentation downstream. This will be addressed as follows:

- The stormwater drainage system is to be provided in a manner that limits the peak rates of discharge to a non-erosive velocity. The system will be designed to convey stormwater runoff from a 1 in 10 year average recurrence interval design storm as per Council's standard design criteria.
- A series of onsite stormwater detention basins are interspersed throughout the site to address post development flows.

European Heritage

The European Heritage of Cabonne is recognised in Schedule 5 of the Cabonne Local Environmental Plan 2012 which lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP.

With reference to Schedule 5 and the LEP mapping, there are no identified items within proximity to the subject land that are likely to be affected by the planning proposal.

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been undertaken by OzArk Environment & Heritage and is provided in *Annexure F*.

The study area for this proposal has been previously subject to an archaeological assessment completed by OzArk in 2023. The initial survey was completed on 30 August 2023 with the assistance of representatives from the Orange Local Aboriginal Land Council (LALC).

At the time of the survey and initial report writing period, the proposal was considered able to be adequately assessed under the requirements of the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales* (Code of Practice; DECCW

2010a). However, the initial report prepared by OzArk (2023) was deemed insufficient to support the rezoning process and required more comprehensive assessment to meet the requirements of Ministerial Direction 2.3, Heritage Conservation. Thus, at the recommendation of Heritage NSW, an ACHAR has been prepared for the proposal.

Additional field survey was undertaken by OzArk with the assistance of Mr. Ray Norton representing Registered Aboriginal Party (RAP) Thomas Dahlstrom on 11 July 2024.

No Aboriginal objects or areas with subsurface archaeological potential were identified within the study area. Additionally, no cultural values have been identified in the study area through consultation with the RAPs.

The findings of the ACHAR are summarised below:

- The study area predominately of gently to moderately undulating slopes and localised ridges and crests. Overall, the topography is unlikely to have been a favoured area for Aboriginal occupation for extended periods of time and is more likely to have been utilised as a vantage point or access route. The ephemeral nature of the gully present within the study area is not conducive for sustained Aboriginal occupation within the landscape. The location of a permanent waterway, Molong Creek, near the study area would usually increase archaeological potential of nearby areas, however landforms in the study area closest to Molong Creek are moderately inclined slopes which would not have been utilised for occupation.
- Geological mapping indicates any rock outcropping in the study area is most likely to be present on the crests and may include slate, limestone and/or quartz sandstones. The absence of appropriate outcropping rock for tool manufacture indicates that quarry sites will not be present.
- Outcropping quartz sandstone has the potential to contain grinding grooves but is considered unlikely due to distance to water. Soils present on slopes inside the study area, particularly along the moderately inclined slopes and crests, are likely to have been affected by sheetwash erosion. The erosional qualities of the soils present will have decreased the likelihood for in situ archaeological deposits being present.
- The study area would have once supported an open woodland which would have provided some resources for Aboriginal subsistence in the past. The broad-scale vegetation clearance which has taken place across most of the study area for agricultural purposes reduces the likelihood that any culturally modified trees

remain present, however, should mature native vegetation remain, particularly along Molong Creek, culturally modified trees may be present.

- The study area and surrounding land is primarily used for farming and grazing activities. The presence of hooved livestock is likely to have resulted in trampling and compaction of the ground surface which accelerates soil loss. Erosional processes (i.e. sheetwash erosion) within the study area would be exacerbated by the types of landforms present which have been largely cleared of vegetation.
- No Aboriginal objects were recorded during the surveys of the study area, and it was assessed that the study area does not contain landforms with subsurface archaeological potential.
- Based on the types of landforms present, all of which are distant from semi-permanent or permanent watercourses, no sensitive archaeological landforms were identified during the survey of the study area.
- As no locations were identified that suggested that subsurface archaeological deposits of conservation value are present within the study area, it was considered that test excavation was unwarranted.
- No specific comments relating to the assessment methodology, or the landforms being surveyed, were raised by RAPs during both field surveys. Additionally, no cultural values relating to the study area were identified to OzArk.
- There may be places with intangible cultural significance within the study area although no specific locations have so far been identified by the Aboriginal community through the surveys or the completion of the ACHCRs.
- During the surveys, no Aboriginal sites were recorded and therefore there are no known places with archaeological significance within the study area.
- There are no known places with identified aesthetic values identified within the study area and the landform has been modified.
- There are no known places with identified historic values identified within the study area.
- There are no impacts to Aboriginal cultural heritage values as no Aboriginal sites were recorded, and no intangible heritage values have been identified within the study area. The results of the survey indicate that significant Aboriginal cultural heritage values will not be harmed within the study area.

Recommendations concerning Aboriginal cultural values within the study area are as follows:

1. Following development consent of the proposal, the proposed work may proceed with caution. In the unlikely event that unexpected Aboriginal heritage items are encountered during works, the *Unanticipated Finds Protocol* (refer Appendix 3 of the ACHAR) must be implemented. Appendix 4 of the ACHAR provides the appropriate procedure to be undertaken in the unlikely event that suspected human remains are encountered.
2. All land-disturbing activities must be confined to within the study area. Should the parameters of the proposed work extend beyond this, then further archaeological assessment will be required.
3. All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal heritage items under the NPW Act 1974, the procedure for unanticipated Aboriginal objects or suspected skeletal material (refer Appendix 3 and 4 of ACHAR), and ensure they recognise Aboriginal objects.

Agriculture

The land is defined as having moderate agricultural value. It is mapped as Class 3. As such it is considered suitable for grazing and pasture improvement and can be cultivated for an occasional cash crop or forage crop in conjunction with pasture management

The Planning Proposal is considered not to adversely impact the agricultural value of the site or nearby lands for the following reasons:

- The subject land is zoned R5 Large Lot Residential development. Therefore, the limited agricultural value of the subject land is already diminished by the current zoning provisions.
- The subject land is identified as a residential candidate site in the Cabonne Settlement Strategy 2021-2041 (CSS). The CSS recognises the subject land as being suitable for urban residential zoning in order to limit the expansion of urban area into other agricultural lands to meet dwelling demand.
- The subject land was identified for residential purposes in the former Cabonne Settlement Strategy 2012.

Land Use Conflict

Cabonne Shire Council engaged Tim Fitzroy & Associates to prepare a Land Use Conflict Risk Assessment (LUCRA) to investigate potential risk factors of the proposed on the existing Canobolas Eggs enterprise (located to the north of the subject land), and risks of the egg enterprise on the residential subdivision, and any other factors that may restrict the compatibility of land uses in the area.

(For clarity, we note that the LUCRA also refers to Canobolas Eggs as Peffers Farm and Vale Hill Poultry Farm).

The LUCRA considered the risks of the proposed (rezoning to R1) residential subdivision on the Canobolas Egg enterprise, and vice versa, as well as other activities within the 5km radius of the proposal.

The LUCRA found that the key potential constraints between the proposed residential rezoning of the subject and the existing land uses include:

- Chemical and fertiliser spray drift from cropping activities at Peffers Farm;
- Air Quality Impacts (Odour and Dust) associated with at the Vale Hill Poultry Farm and cropping at Peffers Farm;
- Biosecurity associated with the Vale Hill Poultry Farm;
- Reputational damage and economic impacts to the Canobolas Egg Brand;
- Economic impacts related to crop production at Peffers Farm;
- Lighting impacts from the Vale Hill Poultry Farm;
- Noise impacts from:
 - Cropping activities and vehicular transport at Peffers Farm;
 - Ventilation, refrigeration, generators, vehicular movements, hens at the Vale Hill Poultry Farm;
 - Heavy vehicle traffic associated with Peffers farm and the Euchareena Road Waste Recovery Facility and Landfill.

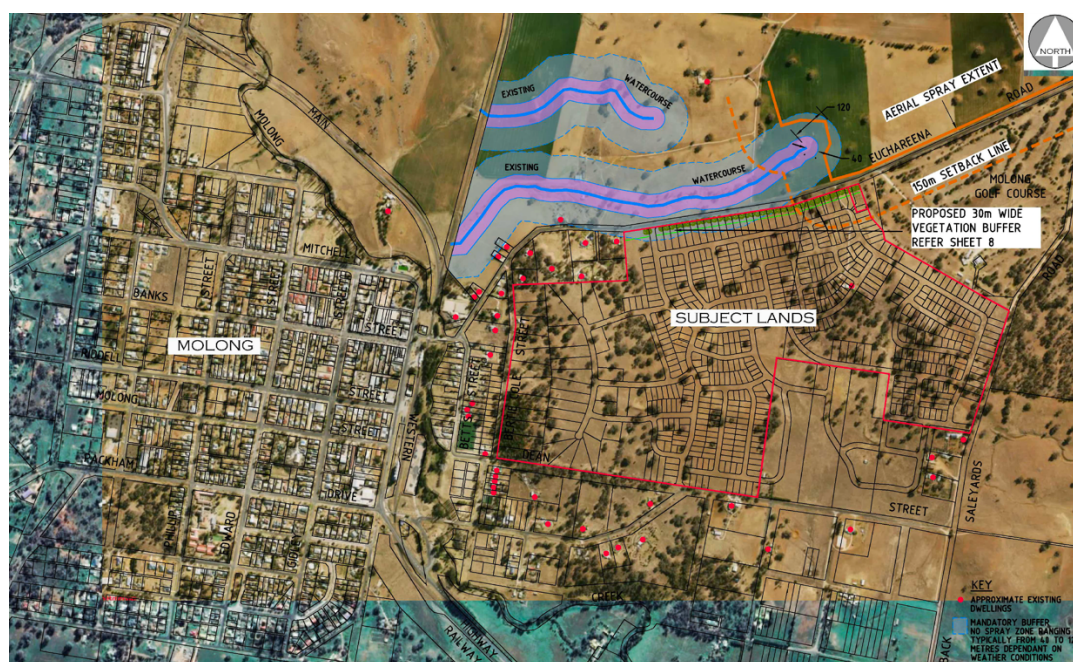
The following is provided in response to the LUCRA.

Spray Drift

The potential aerial application of pesticides on Peffers Farm to the north was raised as a possible land use conflict.

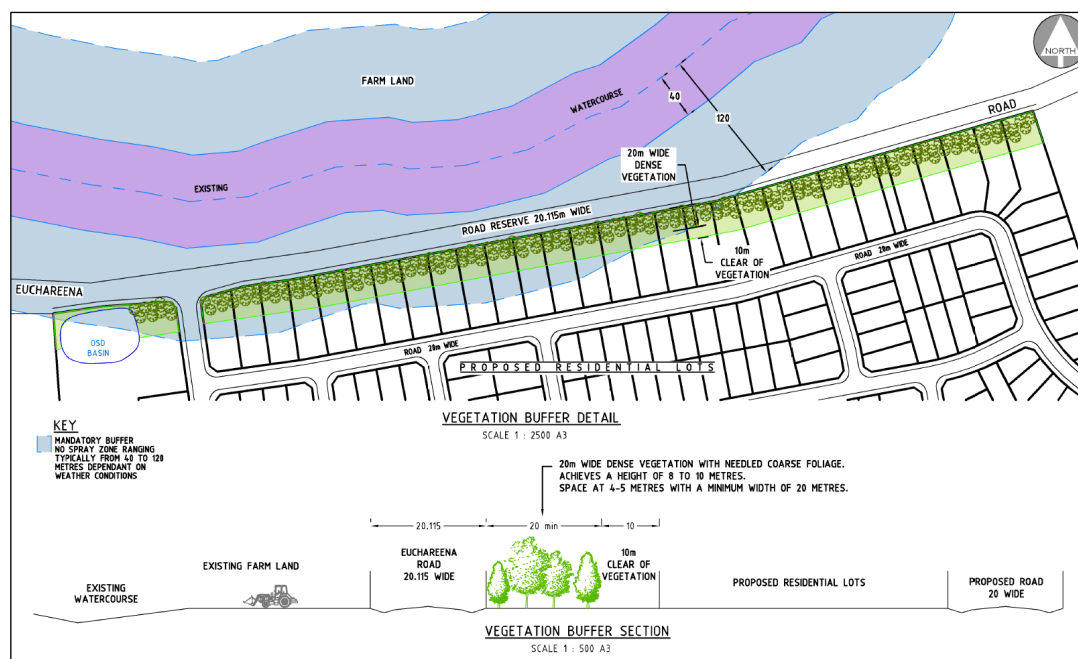
Regardless of the proposed rezoning, the potential for aerial spraying to be conducted in the vicinity of the subject land is already constrained by existing circumstances as explained below:

- Figure 6 in *Annexure A* (and extract below) depicts the existing constraints for aerial spraying. The plans show that approximately 15 dwellings are located within 150 metres of the adjacent farmland. Consequently, any party seeking to conduct aerial spraying would be required to obtain consent from all 15 landowners. The potential for such consent to be obtained is considered unlikely in this context.
- The two watercourses along the southern boundary of the land to the north effectively preclude aerial spraying from occurring along this section of the property.
- The golf course is a recreation area for the public and would also pose a constraint to aerial spraying



Notwithstanding the constraints on aerial spraying, it is considered important to manage the interface between the proposed residential area and the existing rural enterprise to the north so as to limit the potential for conflict. In this regard and as depicted in Figure 7 of *Annexure A* (and the extract below):

- A 30 metre wide vegetation buffer is proposed along the Euchareena Road frontage of the site to address potential land use conflicts in regard to spray drift from cropping activities that may be undertaken on the land to the north.
- The proposed vegetative buffer is based on the research conducted by the Centre of Pesticide Application and Safety, University of Queensland, Gatton College. The buffer will comprise:
 - 20 metres separation provided by Euchareena Road; and
 - 20 metres of dense vegetation plantings; and
 - 10 metres clear of vegetation to the south of the vegetated area.



Odour

An odour assessment has been prepared (refer *Annexure K*). The assessment focuses on potential nuisance odours from the poultry farm on future residential receptors located on the Site. The was conducted in accordance with the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (the "Approved Methods"). The assessment is summarised below.

-
- LEGEND**
- Site (blue outline)
Sheds (green squares)
- Odour Concentration (OU)**
- | | | | |
|---|---|---|---|
| 1 | 3 | 5 | 7 |
| 2 | 4 | 6 | |
- Map labels: Copper Hill Road, Belgrave Road, Fuchsia Road, Back Street, Dean Street, Pease Street.

- The above Figure indicates that no part of the Site is within the predicted 2 OU contour. Therefore, the operation of the poultry farm is predicted to comply with the most stringent odour impact assessment criterion and is unlikely to cause nuisance odour impacts at future residential receptors within the Site.

On this basis, the Proposal is considered unlikely to give rise to land-use conflicts with respect to odour.

Noise from Agriculture

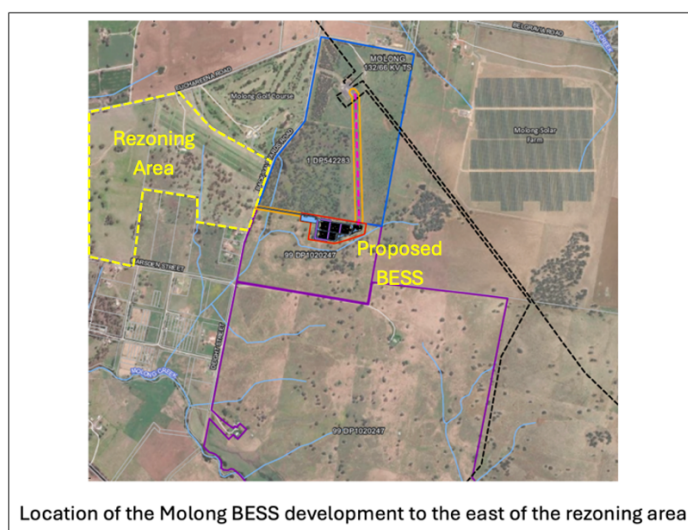
The potential land use conflict as a result of noise from agricultural activities on Peffers Farm is considered minimal due to the following:

- There are existing dwellings along the proposed residential and agricultural interface. The conduct of agricultural activities (general and egg farm) is not known to have generated unacceptable noise impacts or land use conflict between the existing dwellings and the existing agricultural enterprise.
- The poultry sheds are located some 750 metres away to from the proposed residential area. This is considered a reasonable distance buffer to ameliorate potential noise impacts and land use conflict.

Traffic noise impacts associated with Euchareena Road are considered below.

Proposed Battery Energy Storage System (SSD_

Since preparation of the original LUCRA (May 2024) a further proposed change of land use in the vicinity of the subject land has emerged. A Battery Energy Storage System (BESS) as State Significant Development is proposed on part of Lot 99 DP1020247 at 1 Deight Street, located to the immediate east of the subject land (see below).



Location of the Molong BESS development to the east of the rezoning area

An addendum to the May 2024 LUCRA has been prepared by Cabonne Council to incorporate the proposed BESS project, and to identify potential risks, mitigation measures and residual risks likely to be experienced between the two development areas. The addendum report concludes as follows:

The above information (addendum report) should be read in conjunction with the East Molong LUCRA, and provides sufficient detail and assessment of the potential land use conflicts arising from the proposed construction and operation of the Molong BESS facility, to be confident that the likely risks have been identified along with adequate mitigation measures, and that an assessment of the residual risk indicates that the future residential use of the proposed Molong East residential estate can co-exist in near proximity to the proposed BESS facility without adverse environmental, social or cultural impacts.

Traffic Noise

A Noise Assessment (refer *Annexure L*) has been prepared to assess the potential noise impacts of traffic on Euchareena Road upon the future residential lots. The assessment is summarised as follows:

- Potential road noise impacts on the site have been assessed using the “screen tests” outlined in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (the “DNRCBR Guideline”).
- It is noted that traffic volumes on Euchareena Road are less than 20,000 vehicles per day. Nevertheless, the internal noise levels identified above are consistent with the goals recommended in *AS 3671-1989 Acoustics – Road traffic noise intrusion – building siting and construction* and would be considered appropriate for future residential development on the Site.
- Traffic data for Euchareena Road has been taken from the Transport Assessment (TA) prepared for the Proposal by ARC Traffic + Transport (report No. 0316, v3, dated 2 March 2023). According to the TA, peak hourly traffic volumes along Euchareena Road are predicted to reach up to 287 vehicles in 2023. These traffic volumes account for existing background traffic flows and additional traffic generated by the Proposal.
- The DNRCBR screen tests are based on annual average daily traffic (AADT) volumes. Peak hourly traffic volumes typically account for approximately 10% of the AADT

volume. Therefore, future (2023) AADT traffic volumes on Euchareena Road are expected to reach approximately 2,870 vehicles per day. Under the Planning Proposal, the proposed speed limit along Euchareena Road, in the vicinity of the Site, is 50 km/h.

- The results indicate that:
 - Dwellings with facades located more than 38 m from Euchareena Road would not require any acoustic treatment.
 - Dwellings with facades located 12-38 m from Euchareena Road would require Category 1 noise control.
 - Dwellings with facades located less than 12 m from Euchareena Road would require Category 2 noise control.
- Subject to the adoption of the recommended noise control categories, no physical barriers would be required to mitigate road traffic noise levels on the Site.
- Category 2 noise control requires only small building material upgrades over what would typically be used in most new dwelling constructions.

Accordingly, the proposed rezoning does not appear to give rise to any land use conflicts with respect to noise impacts.

10. Has the planning proposal adequately addressed any social and economic effects?

A Social Impact Assessment (SIA) has been prepared by Cred Consulting (refer *Annexure J*). The SIA assesses social impacts and infrastructure needs of the proposal, including for its communities. It recommends ways to contribute to social sustainability, maintain site character, and deliver public benefits. It evaluates positive, neutral, and negative social impacts, and suggests enhancing positives and mitigating negatives.

The SIA has been completed in accordance with the requirements of the Environmental Planning and Assessment Act 1979, the Planning Institute of Australia's Social Impact Position Statement, and City of Parramatta's Social Impact Assessment Guidelines (August 2013).

Overall, the SIA supports the Planning Proposal and identifies numerous positive social impacts including the provisions of a diversity of housing options in a strategic and convenient location, close to the Molong town centre and Orange, and in proximity to various amenities.

Population forecast

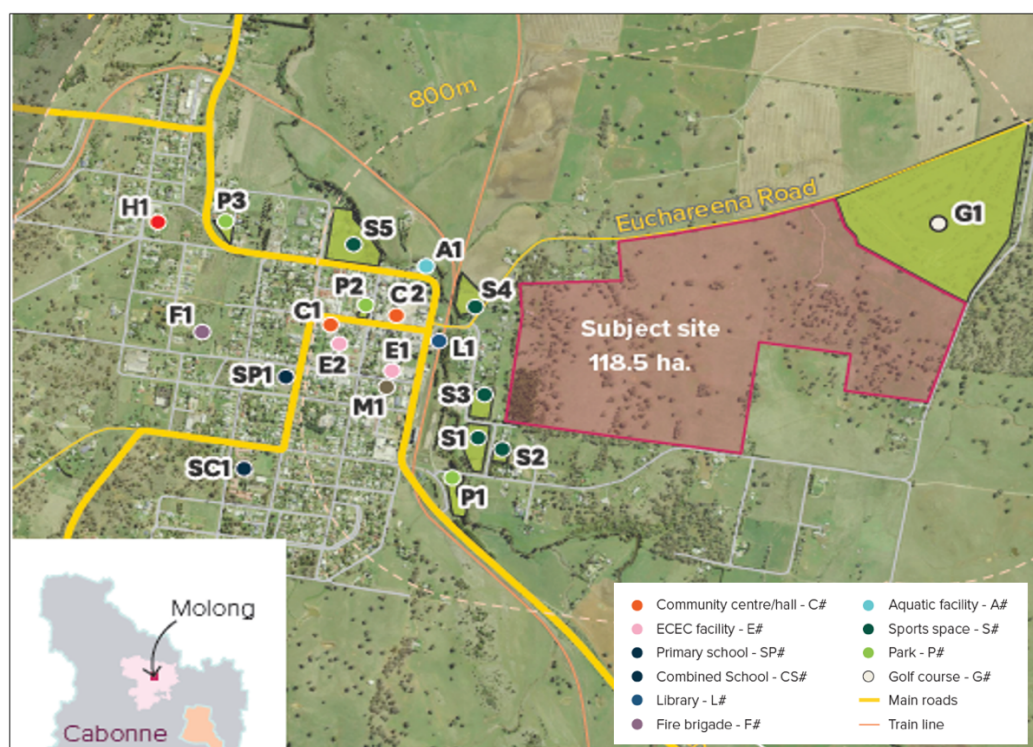
The forecast total population over the next 20 years resulting from development on the subject site is presented in the table below.

Year	Lots released per decade	Average household size	Forecast population
By 2034	330 lots	2.5	825 people
By 2044	290 lots	2.5	725 people
TOTAL			1,550 people

This calculation is based on the proposed number of dwellings and assumes an average household size of 2.5, consistent with the Molong ABS statistics.

Existing social infrastructure

The existing social infrastructure within 800m and 2km of the site is shown in the figure below (extract from SIA).



Overall, the subject site is well located close to the Molong town centre and has a range of local and district facilities within 800m to 2km of the subject site.

According to the SIA, the social and economic benefits of the Planning Proposal are considered to be positive and are summarised below.

- **Supply of additional housing** – The Planning Proposal will establish 620 lots for additional housing that will help meet Council’s directions identified in the Settlement Strategy.
- **Staged release of housing** – The Planning Proposal aims to release lots in a staged manner, which can ensure that the supporting infrastructure required for accommodating population growth is systematically put in place.
- **Diversify housing types** – The Planning Proposal can increase the diversity of urban residential land in the area, with potential to increase affordability through the provision of smaller and affordable lots.
- **Provision of sports fields** – The Planning Proposal delineates centrally located sports fields within the subject site. The sports fields can be embellished with water-proof and durable equipment.
- **Access to facilities and amenities** – The sites location will provide future residents access to amenities such as schools, hospitals, community facilities, and open spaces in the Molong. Additionally, they will have access to sporting facilities in the showground and regional facilities in Orange.

To facilitate this, accessible and safe walking and cycling connections throughout the site will be established linking the showground and town centre. This will not only offer future residents of the subject site convenient access to existing facilities but also enhance accessibility to the showground for current residents.

- **Retention of drainage corridors** – The subject site is located on higher ground, enhances safety against floods. It also retains drainage corridors to alleviate flooding challenges.
- **Employment opportunities** – The construction of new housing can create employment opportunities. With a larger population, there is potential for the growth and expansion of local services, resulting in increased economic activity and greater job prospects for the community.

Negative Social Impacts

The SIA identified 2 potential negative social impacts that may arise as a result of the Planning Proposal. The social impact is identified in the column on the left with the proposed mitigation measures identified in the right hand column.

Impact	Mitigation
Pressure on existing social infrastructure While a majority of social infrastructure needs are met by existing provision in Molong, there are some gaps that need to be addressed within the subject site. A review of the current provision of social infrastructure and population-based benchmarking indicates a need for the following additional infrastructure: • A local park of a minimum 0.5 hectares, with a local playground; • 12-17 long day care places; and • 23 aged care places	With reference to the concept by Heath Consulting Engineers, a local park greater than the 0.3 hectares recommended in the SIA has been provided centrally within the site. As depicted in the concept, it is intended that this park will be embellished with playgrounds and footpaths to connect the site to the Golf Course and to the town centre. There are several potential sites within the subject land that are suitable to accommodate aged or child care facilities. The provisions of the R1 General Residential zone permit a wide range of compatible non-residential uses such as centre based child care facilities, and health facilities. There are numerous sites within the subject land to accommodate such uses should they be required as the residential area evolves.
Potential obstruction to view corridors The area designated as Strategy Area MOL-VIS (adjacent to Bertie Cole Street) holds significant visual backdrop to the town of Molong, especially when observing eastward across the town centre. The future development of the site has the potential to obstruct these view corridors and backdrops.	The development concept for the site provides for larger lots along the western edge (along Bertie Cole Street) which reflects a lighter development pattern to address the topographical and ecological constraints in this section of the site. The provision of larger lots in this area will allow for future development to sensitively respond to the topographical features of the site, ultimately allowing for better integration of the building and natural environment. Further, the draft Development Control Plan, which accompanies this Planning Proposal (refer <i>Annexure M</i>), outlines a series of guidelines aimed at ensuring that future development integrate with the natural landscape. These controls encompass aspects such as suitable placement, design, external materials, colour schemes, and the preservation and introduction of vegetation.

Positive social impacts can be further delivered by:

- Establishing walking and cycling links through the site to connect the showground and town centre.
- Providing a local park with a local playground (not in a water basin) and connecting it as part of the wider network of open spaces.
- Enhancing the proposed sports fields in the water basin with flood-safe, waterproof and durable equipment.
- Delineating lots for the future provision of a childcare centre and aged care centre.
- Considering height restrictions and providing strategically designed walking paths through the subject site to minimise the obstruction of visual views and backdrops.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the planning proposal?

Yes.

A servicing strategy has been prepared in support of the Planning Proposal which demonstrates that the subject land can be serviced and within the capacity of the existing network (refer *Annexure I*).

Electricity and telecommunications services are available and would be extended as required to service future development.

As such, all urban utilities and relevant infrastructure can be made available.

The adequacy of social infrastructure is considered satisfactory as addressed in the Social Impact Assessment (refer *Annexure J*).

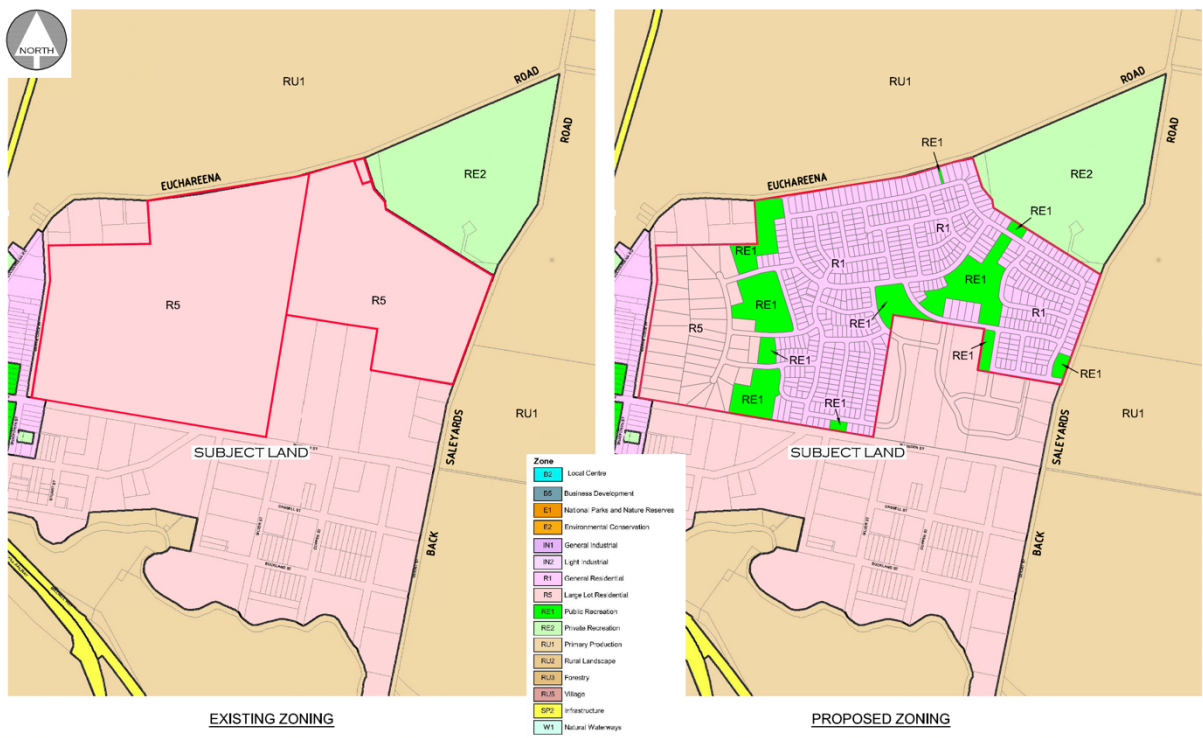
SECTION E – STATE AND COMMONWEALTH INTERESTS

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

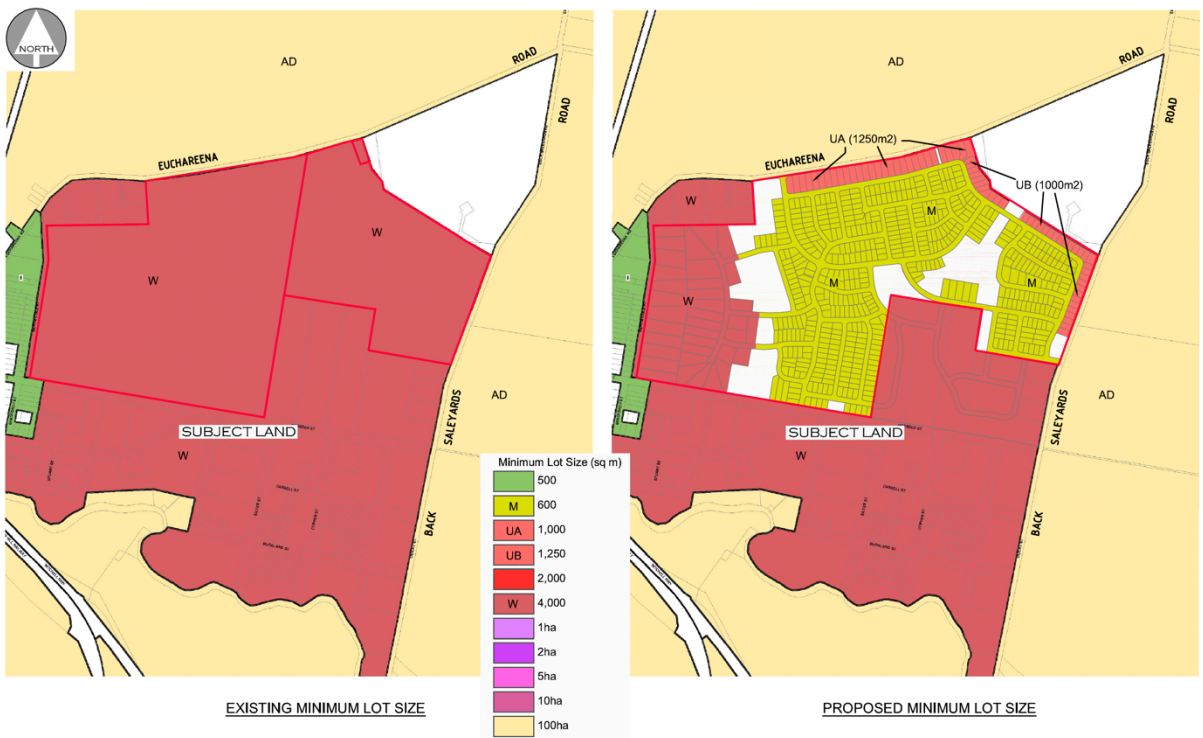
The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

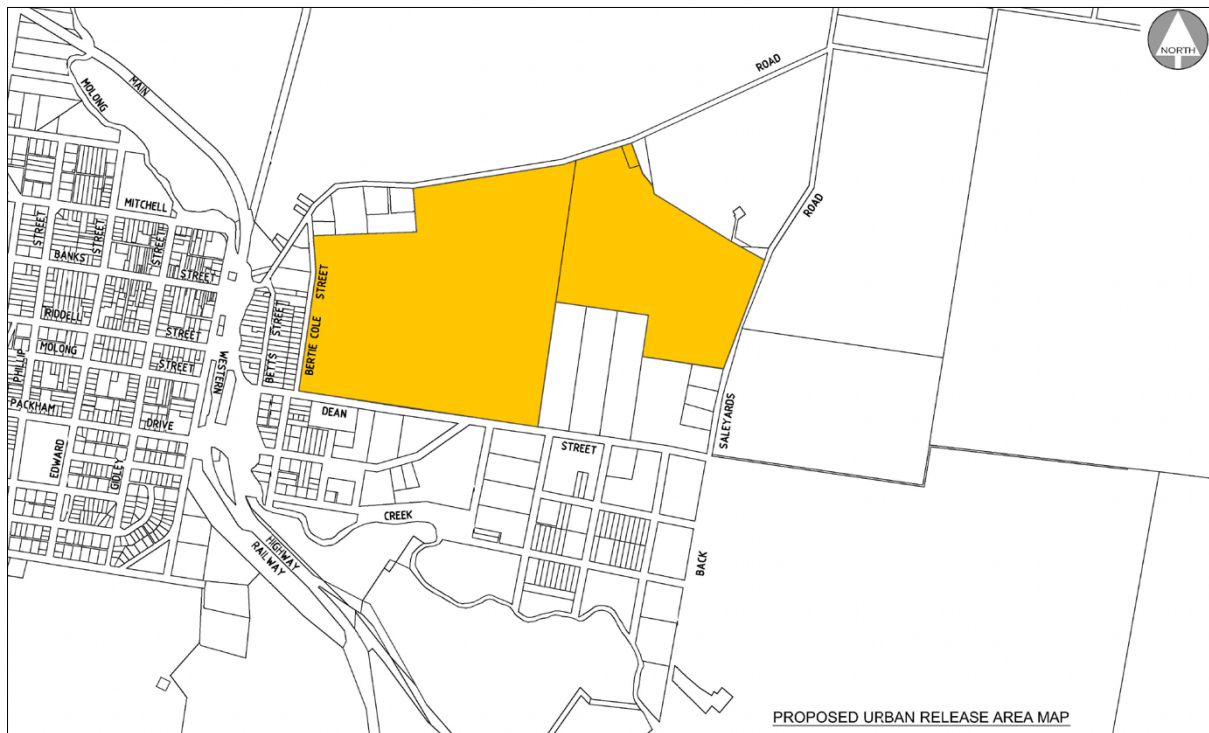
PART 4 – MAPS

The PP will require an amendment to the LEP Land Use Zone map. The existing and proposed LEP Land Use Zone maps are depicted below and in *Annexure B*.



The PP will require an amendment to the LEP Minimum Lot Size map. The existing and proposed LEP Minimum Lot Size maps are depicted below and in *Annexure B*.





PART 5 – COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a standard proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.
- The Planning Proposal is consistent with an endorsed District/Regional Strategic Plan and/or LSPS.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding landowners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council

PART 6 – PROJECT TIMELINE

As this Planning Proposal is consistent with the existing strategic planning framework, it is appropriate that this Proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2023)* as a 'Standard' Planning Proposal for completion within the benchmark timeframe of 9 months.

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Stage	Timeframe and/or date
Consideration by Council	December 2024 – February 2025
Council decision	March 2025
Gateway determination	October 2025
Pre-exhibition	October 2025 to March 2026
Commencement and completion of public exhibition period	Complete by March/April 2026
Consideration of submissions	May/June 2026
Post-exhibition review and additional studies	July/August 2026
Submission to the Department for finalisation (where applicable)	August/September 2026
Gazettal of LEP amendment	October 2026

PART 7 – CONCLUSION

This Planning Proposal warrants support due to the following:

- This Planning Proposal is consistent with the Cabonne Settlement Strategy 2021-2041 and is identified within the Strategy as being suitable for residential development.
- The subject land provides an opportunity to meet the shortfall in urban residential land within reasonable proximity to Molong.
- The subject land is not unduly constrained by bushfire or ecological value.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- The proposal has the potential to generate positive social and economic impacts for the benefit of the community.
- The potential impacts of the proposal have been foreshadowed and there are no significant issues identified that would prevent the LEP amendment proceeding to the next step of the plan-making process. In any event, there is opportunity under the Gateway determination for more detailed information to be provided, where relevant, before the LEP is finalised.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A

Land Plans

Annexure B

Draft LEP Maps

Annexure C

Development Concept

Annexure D

Traffic Assessment by ARC Traffic + Transport

Annexure E

Biodiversity Assessment Report by Cumberland Ecology

Annexure F

Aboriginal Cultural Heritage Assessment by OzArk

Annexure G

Preliminary Contamination Investigations by Envirowest Consulting

Annexure H

*Strategic Bushfire Study by
Building Code and Bushfire Hazard Solutions*

Annexure I

Preliminary Servicing Strategy Heath Consulting Engineers

Annexure J

Social Impact Assessment by Cred Consulting

Annexure K

Odour Assessment by SoundIN

Annexure L

Noise Assessment by SoundIN

Annexure M

Draft Development Control Plan